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**SIXTEENTH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION**

Little Rock, Arkansas

January 25, 2011

The Senate was called to order at 1:30 o'clock p.m. by the President.

The Secretary called the roll, and the following members answered to roll call:

BAKER, BLEDSOE, BOOKOUT, BURNETT,
CHESTERFIELD, CRUMBLY, DISMANG, ELLIOTT,
FILES, FLETCHER, FLOWERS, HARRELSON,
HENDREN, HOLLAND, HUTCHINSON, IRVIN, G.
JEFFRESS, J. JEFFRESS, JOHNSON, KEY,
LAMOUREUX, LAVERTY, LUKER, MADISON, MALONE,
PRITCHARD, RAPERT, SALMON, SAMPLE, TAYLOR,
TEAGUE, THOMPSON, WHITAKER, WILLIAMS,
WYATT.

The Senate was led in prayer by Terry Kimbrow, President, Central Baptist College, Conway, Arkansas.

The Senate was led in the Pledge of Allegiance by the President.

On motion of Senator Whitaker, the reading of the Journal was dispensed with.

On motion of Senator Key, **Senate Bill No. 27** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 27

Amend **Senate Bill No. 27** as originally introduced:
Page 2, line 9 delete "to the fire marshal" and substitute "to the local fire marshal"

(SIGNED) SENATOR JOHNNY KEY

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 27 was ordered engrossed.

On motion of Senator Johnson, **Senate Bill No. 4** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 4

Amend **Senate Bill No. 4** as originally introduced:
Add Representative Edwards as a cosponsor
Page 1, delete line 9, and substitute the following language:
"AND PROTECTIVE PROCEEDINGS JURISDICTION ACT; AND FOR"

AND

Page 1, delete line 15, and substitute the following language:
"AND PROTECTIVE PROCEEDINGS JURISDICTION ACT."

AND

Page 3, Line 30, delete "164.504" and substitute "160.103"

AND

Page 3, Line 31, delete "2010" and substitute "2011"

AND

Page 12, delete lines 34-36 and substitute the following language:
"28-74-503. [Reserved.]"

AND

Page 13, delete lines 1 and 2

AND

Page 13, line 8, delete "[the effective date]" and substitute "January 1, 2012"

AND

Page 13, delete line 12 and substitute the following language:
"This act takes effect on January 1, 2012."

AND

Page 13, line 17, delete "must" and substitute "shall"

AND

Page 13, line 18, delete "the Uniform Adult Guardianship and Protective Proceedings"

AND

Page 13, line 19, delete "Jurisdiction Act, § 28-74-101 -- 504" and substitute "§§ 28-74-101 -- 28-74-504"

AND

Page 13, line 25, delete "must" and substitute "shall"

AND

Page 13, line 26, delete "the Uniform Adult Guardianship and Protective Proceedings"

AND

Page 13, line 27, delete "Jurisdiction Act, § 28-74-101 -- 504" and substitute "§§ 28-74-101 -- 28-74-504"

AND

Page 13, line 33, delete "must" and substitute "shall"

AND

Page 13, line 34, delete "the Uniform Adult Guardianship and Protective Proceedings"

AND

Page 13, line 35, delete "Jurisdiction Act, § 28-74-101 -- 504" and substitute "§§ 28-74-101 -- 28-74-504"

AND

Page 14, line 5, delete "must" and substitute "shall"

AND

Page 14, line 6, delete "the Uniform Adult Guardianship and Protective Proceedings Jurisdiction"

AND

Page 14, line 7, delete "Act, § 28-74-101 -- 504" and substitute "§§ 28-74-101 -- 28-74-504"

AND

Delete SECTION 6 in its entirety and substitute the following language:

"SECTION 6. Arkansas Code Title 28, Chapter 65, Subchapter 6 is amended to add an additional section to read as follows:

28-65-604. Applicability.

This subchapter does not apply to foreign guardianships under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, § 28-74-101 et seq."

AND

Delete SECTION 7

AND

Page 15, line 27, delete "must" and substitute "shall"

AND

Page 15, line 28, delete "the Uniform Adult Guardianship and Protective Proceedings"

AND

Page 15, line 29, delete "Jurisdiction Act, § 28-74-101 -- 504" and substitute "§§ 28-74-101 -- 28-74-504"

AND

Renumber sections appropriately

(SIGNED) SENATOR DAVID JOHNSON

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 4 was ordered engrossed.

On motion of Senator J. Jeffress, **Senate Bill No. 82** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 82

Amend **Senate Bill No. 82** as originally introduced:
Add Representative Lampkin as a cosponsor of the bill.

(SIGNED) SENATOR JIMMY JEFFRESS

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 82 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 4, BY SENATOR DAVID JOHNSON,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator D. Johnson, Senate Bill No. 4 was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 27, BY SENATOR JOHNNY KEY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator J. Key, **Senate Bill No. 27** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 82, BY SENATOR JIMMY JEFFRESS,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator J. Jeffress, **Senate Bill No. 82** was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

The President declared the morning hour to have expired.

On motion of Senator Baker, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bill.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Baker, **House Bill No. 1063** was called up for third reading and final disposition.

HOUSE BILL NO. 1063
As Engrossed: H1/20/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ORDINARY EXPENSES OF THE EXECUTIVE, JUDICIAL AND LEGISLATIVE BRANCHES OF GOVERNMENT FOR THE AUDITOR OF STATE - GENERAL APPROPRIATIONS, ARKANSAS SENATE AND ARKANSAS HOUSE OF REPRESENTATIVES FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1063 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: G. Baker, Bledsoe, Bookout, Burnett, L. Chesterfield, Crumbly, J. Dismang, Elliott, Files, Fletcher, S. Flowers, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Jeffress, D. Johnson, J. Key, M. Lamoureux, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Lavery, Luker.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1063**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: G. Baker, Bledsoe, Bookout, Burnett, L. Chesterfield, Crumbly, J. Dismang, Elliott, Files, Fletcher, S. Flowers, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Jeffress, D. Johnson, J. Key, M. Lamoureux, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Lavery, Luker.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the adoption of the Emergency Clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1063 was ordered immediately returned to the House as passed.

Without objection, **Senate Bill No. 80** was withdrawn by the author, Senator J. Jeffress.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 5, BY SENATOR DAVID JOHNSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 56, BY SENATOR GENE JEFFRESS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 73, BY SENATOR LARRY TEAGUE,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR SUE MADISON
CHAIR

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

HOUSE BILL NO. 1089, BY REPRESENTATIVE TIFFANY ROGERS,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR SUE MADISON
CHAIR

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

January 25, 2011

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

HOUSE BILL NO. 1113, BY REPRESENTATIVE BETTY OVERBEY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

SENATE BILL NO. 135
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS G. JEFFRESS AND P. MALONE

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE REQUIREMENTS FOR RECIPROCAL SERVICE CREDITS FOR PUBLIC EMPLOYEES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 135 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 136
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT REGARDING RESTRICTED DRIVER'S LICENSES AS THE RESULT OF A DWI; AND FOR OTHER PURPOSES.

Senate Bill No. 136 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Without objection, **Senate Bill No. 116** was withdrawn by the author, Senator Malone.

Received from the House

HOUSE BILL NO. 1007
As Engrossed: H1/24/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES HARRIS AND WOODS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SEX OFFENDERS TO VERIFY REGISTRATION IN PERSON AT A LOCAL LAW ENFORCEMENT AGENCY AND TO REQUIRE ELECTRONIC FILING OF THE VERIFICATION; AND FOR OTHER PURPOSES.

House Bill No. 1007 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1014
As Engrossed: H1/13/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE J. EDWARDS

A Bill for an Act to be Entitled: AN ACT TO HONOR VETERANS OF THE UNITED STATES ARMED FORCES BY ALLOWING VETERAN STATUS DESIGNATION ON ARKANSAS DRIVER'S LICENSES AND IDENTIFICATION CARDS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1014 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

SENATE BILL NO. 137
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. TAYLOR

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT THE SALE OF MACHINERY OR EQUIPMENT AND RELATED ATTACHMENTS USED FOR THE HARVESTING OF TIMBER ARE EXEMPT FROM THE ARKANSAS GROSS RECEIPTS TAX AND THE ARKANSAS COMPENSATING USE TAX; AND FOR OTHER PURPOSES.

Senate Bill No. 137 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 138
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS J. KEY, ELLIOTT, J. HUTCHINSON, IRVIN, J. JEFFRESS,
MADISON & SALMON

BY: REPRESENTATIVES PIERCE, POWERS, T. ROGERS, WEBB, LINDSEY,
HARRIS, J. DICKINSON & SUMMERS

A Bill for an Act to be Entitled: AN ACT TO PROVIDE A FRAMEWORK FOR AFTERSCHOOL PROGRAMS THAT PROMOTE POSITIVE YOUTH DEVELOPMENT; TO ESTABLISH THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 138 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 139
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE MEANING OF THE TERM "COMPENSATION" FOR PURPOSES OF RETIREMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 139 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 140
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE GENERAL PROVISIONS OF THE ARKANSAS CODE CONCERNING RETIREMENT AND PENSIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 140 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 141
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 141 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 142
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE ARKANSAS STATE POLICE RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 142 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 143
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE ARKANSAS JUDICIAL RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 143 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 144
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 144 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 145
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING ARKANSAS RETIREMENT SYSTEMS; AND FOR OTHER PURPOSES.

Senate Bill No. 145 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 146
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 146 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 147
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATUTES CONCERNING THE LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS; AND FOR OTHER PURPOSES.

Senate Bill No. 147 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 148
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC DEFENDER COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

Senate Bill No. 148 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

STATE OF ARKANSAS
ARKANSAS SENATE
State Capitol
Little Rock, Arkansas 72201

January 24, 2011

Ms. Ann Cornwell, Director
Arkansas Senate/Secretary of the Senate
State Capitol, Room 320
Little Rock, Arkansas 72201

Dear Ms. Cornwell:

Pursuant to Senate Rule 24, I hereby acknowledge that I am a member of Foster Files & Harris LLC and FFH Construction LLC. Our companies in the past have entered into contracts with the Arkansas Development Finance Authority and may do so in the future.

Please have this letter entered into the Senate Journal.

Sincerely,

(SIGNED) Jake Files
State Senator

JF/mj

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1063

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1007

HOUSE BILL NO. 1014

On motion of Senator Whitaker, the Senate adjourned until 1:30 p.m.,
Wednesday, January 26, 2011.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

