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THIRTY-FIRST DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

Little Rock, Arkansas
February 9, 2011

The Senate was called to order at 8:00 o'clock a.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 Senator Holland.

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On motion of Senator J. Jeffress, **Senate Bill No. 218** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.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. 218

Amend **Senate Bill No. 218** as originally introduced:

Page 3, delete lines 18 through 26 and substitute the following:

"9-28-1103. Compliance.

Each community-based provider shall:

(1) Continuously comply with applicable performance standards established by the Division of Youth Services of the Department of Human Services;

(2)(A) To the extent possible, considering the circumstances of each youth served, obtain services that qualify for Medicaid payments only from providers enrolled in the Medicaid program to furnish the services.

(B) Subdivision (2)(A) of this section does not apply if the provider demonstrates to the division that is more economical and efficient to provide the services with contract funds; and

(3) Accept payments made by the division as payment in full for services provided under the community-based provider contract.

9-28-1104. Acquisition of services.

(a) Except as provided in subsection (b) of this section, the Division of Youth Services of the Department of Human Services shall acquire youth services by agreements with local community providers, other agencies, or individuals deemed by the division to be professionally capable and appropriate to deliver those services.

(b) For the acquisition of services for a geographic area for which no existing community-based provider is willing and able to provide comprehensive community-based services, the division shall comply with the Arkansas Procurement Law, § 19-11-201 et seq."

AND

Page 3, delete lines 28 through 36

AND

Page 4, delete line 1 substitute the following:

"SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that community-based youth service programs are struggling to attain the resources necessary to provide youth with community-based services to which the youth are entitled by federal and state mandates that the youth rightfully deserve; that the state has had a group of community-based providers deliver youth services to the Division of Youth Services for many years and the community-based provider should be recognized as the providers for this service; and that this act is immediately the expense of time-consuming work involved in a competitive bid process. Therefore, an emergency is declared to"

(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. 218 was ordered engrossed.

On motion of Senator Williams, **Senate Joint Resolution No. 3** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL 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 JOINT RESOLUTION NO. 3

Amend **Senate Joint Resolution No. 3** as originally introduced:

Page 1, delete lines 8 and 9 and substitute the following "TO AMEND THE ARKANSAS CONSTITUTION TO REQUIRE A BALANCED STATE BUDGET EVERY."

AND

Delete the subtitle in its entirety and substitute:
"TO AMEND THE ARKANSAS CONSTITUTION TO
REQUIRE A BALANCED STATE BUDGET EVERY
YEAR."

AND

Page 1, delete lines 33 - 35 and substitute the following:

"(a) The General Assembly shall establish by law a procedure to ensure that funds on hand and estimated to become available to each state agency, institution of higher education, board, commission, and constitutional office shall be sufficient to maintain the state and all of its agencies on a sound financial basis without incurring a deficit.

(b) Subsection (a) of this section does not prohibit the use of bonds as authorized by law."

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Joint Resolution No. 3 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

SENATE BILL NO. 218, BY JIMMY JEFFRESS ET AL,

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. 218** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

SENATE JOINT RESOLUTION NO. 3, BY SENATOR
EDDIE JOE WILLIAMS,

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 Williams, **Senate Joint Resolution No. 3** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE JOINT RESOLUTION NO. 8
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: J. JEFFRESS

SENATE JOINT RESOLUTION AMENDING THE ARKANSAS CONSTITUTION TO AMEND AMENDMENT 33 CONCERNING BOARDS AND COMMISSIONS GOVERNING STATE INSTITUTIONS; TO PROMOTE ACCOUNTABILITY, AFFORDABILITY, AND EFFICIENCY IN HIGHER EDUCATION BY ESTABLISHING THE ARKANSAS SYSTEM OF HIGHER EDUCATION COMMISSION; TO PROHIBIT THE INCREASE OF TUITION AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION WITHOUT APPROVAL FROM THE GENERAL ASSEMBLY.

Subtitle

TO PROMOTE ACCOUNTABILITY,
AFFORDABILITY, AND EFFICIENCY IN
HIGHER EDUCATION BY
ESTABLISHING THE ARKANSAS
SYSTEM OF HIGHER EDUCATION
COMMISSION.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Amendment 33, Section 2, of the Arkansas Constitution is amended to read as follows:

2. Abolition or transfer of powers of board or commission - Restrictions.

(a) The board or commission of any institution, governed by this amendment, shall not be abolished nor shall the powers vested in any such board or commission be transferred, unless the institution is abolished or consolidated with some other State institution. In the event of abolition or consolidation, the new board or commission shall consist of a membership of five, seven, or ten.

(b) Subsection (a) of this section does not apply to a board or commission charged with the management or control of a state-supported institution of higher education.

SECTION 2. Amendment 33 of the Arkansas Constitution is amended to add a new section to read as follows:

6. Arkansas System of Higher Education.

(a) All state-supported institutions of higher education funded wholly or in-part by direct legislative appropriations shall be integral parts of a unified system to be known as the Arkansas System of Higher Education.

(b)(1) There is established the Arkansas System of Higher Education Commission, consisting of nine (9) members appointed by the Governor and confirmed by the Senate, whose qualifications shall be prescribed by law.

(2)(A) The Governor shall appoint initial commission members no later than July 1, 2013, as follows:

(i) Three (3) for terms of three (3) years;

(ii) Three (3) for terms of six (6) years; and

(iii) Three (3) for terms of nine (9) years.

(3) Any appointment to fill a vacancy on the commission shall be effective until the expiration of the original term.

(4) The General Assembly shall prescribe by law the general operation of the commission, including without limitation:

(A) Meeting requirements;

(B) Per diem;

(C) Reporting;

(D) Selection and duration of a chair; and

(E) Staffing.

(c) The commission shall constitute the governing board of control for all state-supported institutions described in subsection (a) of this section 6, with the powers and duties to:

(1) Prescribe standards of education applicable to each state-supported institution of higher education;

(2) Determine the functions and courses of study in each of the state-supported institutions of higher education to conform to the prescribed standards;

(3) Grant degrees and other forms of academic recognition for completion of the prescribed courses in all state-supported institutions of higher education;

(4) Recommend to the General Assembly the budget allocations for each state-supported institution of higher education for final approval by the General Assembly as prescribed by law;

(5) Recommend to the General Assembly proposed tuition and fees for all state-supported institutions of higher education for final approval by the General Assembly as prescribed by law; and

(6) Exercise other powers and duties assigned by the General Assembly as prescribed by law.

(d) The appropriation made by the General Assembly for state-supported institutions of higher education shall be made in consolidated form to the commission and the commission shall distribute the appropriated funds to each state-supported institution of higher education according to the allocation approved by the General Assembly for each state-supported institution of higher education under subdivision (c)(4) of this section.

SECTION 3. This amendment shall become effective on July 1, 2013.

Senate Joint Resolution No. 8 was read the first time, rules suspended, read the second time, referred to STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE JOINT RESOLUTION NO. 9
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE

SENATE JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO AUTHORIZE GOVERNMENTAL UNITS TO ISSUE BONDS AND LEVY A SALES TAX FOR THE PURPOSE OF RETIRING UNFUNDED LIABILITIES OF CLOSED LOCAL POLICE AND FIRE PENSION PLANS.

Subtitle

PROPOSING A CONSTITUTIONAL AMENDMENT TO AUTHORIZE GOVERNMENTAL UNITS TO ISSUE BONDS AND LEVY A SALES TAX FOR THE PURPOSE OF RETIRING UNFUNDED LIABILITIES OF CLOSED LOCAL POLICE AND FIRE PENSION PLANS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Senators and Representatives, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The purpose of this Senate Joint Resolution is to amend the Arkansas Constitution to authorize governmental units to issue bonds and levy a sales tax for the purpose of retiring unfunded liabilities of closed local police and fire pension plans.

Senate Joint Resolution No. 9 was read the first time, rules suspended, read the second time, referred to STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE JOINT RESOLUTION NO. 10
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BLEDSOE

SENATE JOINT RESOLUTION TO AMEND THE ARKANSAS CONSTITUTION CONCERNING THE APPLICATION OF FOREIGN LAWS, LEGAL CODES, OR SYSTEMS FOR THE PURPOSE OF PROTECTING RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES CONSTITUTION AND THE ARKANSAS CONSTITUTION.

Subtitle
TO AMEND THE ARKANSAS
CONSTITUTION CONCERNING THE
APPLICATION OF FOREIGN LAWS,
LEGAL CODES, OR SYSTEMS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The purpose of this Senate Joint Resolution is to amend the Arkansas Constitution concerning the application of foreign laws, legal codes, or systems for the purpose of protecting rights and privileges granted under the United States Constitution and the Arkansas Constitution.

Senate Joint Resolution No. 10 was read first time, rules suspended, read second time, referred to STATE AGENCIES & GOVERNMENTAL AFFAIRS.

Senator Bookout made the following announcement:

To satisfy the provisions of Article 5, Section 28 of the Arkansas Constitution, I move that consent be given to the Senate and House of Representatives, allowing the Senate President Pro Tempore and the Speaker of the House to make determination on future reconvening. Consent given.

On motion of Senator Bookout, **Senate Resolution No. 11** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BOOKOUT**

A SENATE RESOLUTION FOR AN ACT TO BE ENTITLED: PROVIDING THAT THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY SHALL RECESS ON WEDNESDAY, FEBRUARY 9, 2011, AND RECONVENE ON MONDAY, FEBRUARY 14, 2011.

Senate Resolution No. 11 was placed on third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Dismang, **Senate Bill No. 221** was 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. 221

Amend Senate Bill No. 221 as originally introduced:

Add Senators J. Dismang, D. Johnson, G. Baker, Bledsoe, Files, Fletcher, S. Flowers, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, J. Jeffress, J. Key, M. Lamoureux, Madison, P. Malone, B. Pritchard, Rapert, B. Sample, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt as cosponsors of the bill

AND

Add Representatives McLean, Baird, Barnett, Biviano, J. Burris, Carter, Clemmer, Collins, J. Edwards, English, Eubanks, Garner, Gillam, Hickerson, Hobbs, Hopper, D. Hutchinson, Kerr, Lea, Lindsey, S. Malone, Mauch, McCrary, S. Meeks, Nickels, Post, Ratliff, Sanders, Shepherd, Slinkard, G. Smith, Steel, Vines, Woods, Wren as cosponsors of the bill

AND

Page 5, line 2, delete "information" and substitute "information for the commission"

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 221 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 130** was 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. 130

Amend **Senate Bill No. 130** as originally introduced:

Page 3, delete lines 24 through 32 and substitute the following:

~~“(c) The administration of medications shall not include the administration of medications to any person under eighteen (18) years of age; Influenza vaccines and influenza immunizations may be administered to a person seven (7) years of age and older under a general written protocol.~~

(d) Vaccines and immunizations other than influenza vaccines and influenza immunizations may be administered to a person from seven (7) years of age to eighteen (18) years of age under a patient-specific order or prescription and subject to reporting of the administration to the prescribing physician together with any reporting required under § 20-15-1203.

(e) Vaccines and immunizations other than influenza vaccines and influenza immunizations may be administered to a person eighteen (18) years of age or older under a general written protocol.

(f) Medications other than vaccines and immunizations may be administered to a person seven (7) years of age or older under a patient-specific order or prescription and subject to reporting of the administration to the prescribing physician.

(g) A general written protocol under subdivisions (16)(A)(i)(c) and (e) of this section and patient-specific orders or prescriptions under subdivisions (16)(A)(i)(d) and (f) shall be from a physician licensed by the Arkansas State Medical Board and practicing in Arkansas or within fifty (50) miles of the Arkansas border.”

AND

Page 6, line 14, delete "(22)(A)" and substitute "(22)(A)"

AND

Page 6, delete lines 19 through 22 and substitute the following:

~~“(B) Except for immunizations and vaccinations, which may be general protocols, protocols shall be patient- or physician- or pharmacist-specific for prescriptions or orders given by the physician authorizing the protocol.”~~

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 130 was ordered engrossed.

On motion of Senator G. Jeffress, **Senate Bill No. 56** was called up for the purpose of considering **House Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 56

Amend **Senate Bill No. 56** as engrossed, S1/26/11:

Page 1, delete line 26 and substitute:

"providers, and upon review of the proposals, and the Arkansas Professional Bail Association will submit the approved providers to the Arkansas Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for final approval."

Page 1, delete line 35 and 36 and substitute:

"(2) The schedule of fees shall be subject to approval of the board submitted by the association shall be subject to approval of the board."

(SIGNED) REPRESENTATIVE
HENRY "HANK" WILKINS

Amendment No. 1 to Senate Bill No.56, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator G. Jeffress, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator G. Jeffress, **Senate Bill No. 56** was called up for third reading and final disposition.

SENATE BILL NO. 56
As Engrossed: S1/26/11 H2/2/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS G. JEFFRESS AND J. JEFFRESS
BY: REPRESENTATIVES H. WILKINS AND CHEATHAM

A Bill for an Act to be Entitled: AN ACT REGARDING BAIL BONDSMEN CONTINUING EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 56 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, Bookout, Burnett, L. Chesterfield, J. Dismang, Elliott, Files, Fletcher, S. Flowers, S. Harrelson, J. Hutchinson, G. Jeffress, J. Jeffress, D. Johnson, J. Key, M. Lamoureux, Laverty, Luker, Madison, P. Malone, B. Pritchard, B. Sample, Teague, R. Thompson, E. Williams.

Total25

NEGATIVE: Bledsoe, Holland, Irvin, Rapert.

Total4

ABSENT OR NOT VOTING: Crumbly, Hendren, Salmon, J. Taylor, Whitaker, D. Wyatt.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 56 was ordered enrolled.

On motion of Senator J. Jeffress, **House Bill No. 1091** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendments No. 1 & 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1091

Amend **House Bill No. 1091** as engrossed, H1/27/11:
Add Senator J. Jeffress as a cosponsor of the bill

AND

Page 2, line 17, delete "the fees" and substitute "the delinquent fees"

(SIGNED) SENATOR JIMMY JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 1091

Amend **House Bill No. 1091** as engrossed, H1/27/11:

Page 2, line 2, delete "first" and substitute "~~first~~ fifth"

(SIGNED) SENATOR JIMMY JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1091 was ordered engrossed.

On motion of Senator Lamoureux, **House Bill No. 1282** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1282

Amend **House Bill No. 1282** as originally introduced:

Page 1, line 11, delete "LOCATIONS" and substitute "LOCATIONS; TO DECLARE AN EMERGENCY"

AND

Delete the subtitle in its entirety and substitute:
"TO CLARIFY THAT A LIQUOR PERMIT APPLIES TO ONE LOCATION AND A PERSON, FIRM, OR CORPORATION SHALL NOT USE A LIQUOR PERMIT FOR MULTIPLE LOCATIONS AND TO DECLARE AN EMERGENCY."

AND

Page 2, delete lines 13 and 14 and substitute the following:

"(8) Subsequent to March 1, 2011, if a retail liquor permittee directly or indirectly remunerates any person,"

AND

Page 2, line 18, delete "lf" and substitute "Subsequent to March 1, 2011, if"

AND

Page 2, delete lines 21 and 22 and substitute the following:
"establishment; or"

AND

Page 2, delete lines 23 - 25 and substitute the following:

"(10) Subsequent to March 1, 2011, if a retail liquor permittee brands the permitted location with the same name or logo as another retail liquor permittee.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act is necessary to prevent unfair competition; that this act is also necessary to ensure that those persons receiving retail liquor permits continue to abide by the spirit and intent of the law; and that this act is immediately necessary to ensure that, through the permitting process, citizens are protected from the illegal sale of alcoholic beverages. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

(SIGNED) SENATOR MICHAEL LAMOUREUX

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

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1282** as engrossed.

SENATE BILL NO. 289
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 SOUTH ARKANSAS COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

Senate Bill No. 289 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 290
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS G. BAKER, R. THOMPSON, J. KEY, & D. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO CLARIFY ARKANSAS ETHICS LAWS; AMENDING PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

Senate Bill No. 290 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Pritchard, **Senate Bill No. 115** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 115

Amend **Senate Bill No. 115** as originally introduced:
Add Senators Rapert, J. Taylor, D. Wyatt as cosponsors of the bill

AND

Add Representative Mauch as a cosponsor of the bill

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 115 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator J. Jeffress, **Senate Bill No. 82** was called up for third reading and final disposition.

SENATE BILL NO. 82
As Engrossed: S1/25/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. JEFFRESS
BY: REPRESENTATIVE LAMPKIN

A Bill for an Act to be Entitled: AN ACT TO SEPARATE THE OFFICES OF SHERIFF AND TAX COLLECTOR IN DREW COUNTY; AND FOR OTHER PURPOSES.

Senate Bill No. 82 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 82 was ordered immediately transmitted to the House as passed.

On motion of Senator Lamoureux, **Senate Bill No. 219** was called up for third reading and final disposition.

**SENATE BILL NO. 219
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR M. LAMOUREUX**

A Bill for an Act to be Entitled: AN ACT TO CONTINUE THE FREEDOM OF INFORMATION ACT PROVISIONS AFFECTING THE RECORDS AND MEETINGS OF PUBLIC WATER SYSTEMS; AND FOR OTHER PURPOSES.

Senate Bill No. 219 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 219**, 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 219 was ordered immediately transmitted to the House.

On motion of Senator Hutchinson, **Senate Bill No. 207** was called up for third reading and final disposition.

SENATE BILL NO. 207

As Engrossed: S2/7/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

**BY: SENATORS J. HUTCHINSON, G. BAKER, BLEDSOE, FILES, FLETCHER,
HOLLAND, IRVIN, B. SAMPLE**

**BY: REPRESENTATIVES J. BURRIS, CARTER, ENGLISH, HYDE, JOHNSTON,
KERR, KING, STUBBLEFIELD**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE REGIONAL AIRPORT ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 207 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, Crumbly, J. Dismang, Files, Fletcher, S. Flowers, S. Harrelson, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Jeffress, J. Key, M. Lamoureux, Madison, P. Malone, B. Pritchard, Rapert, B. Sample, Teague, R. Thompson, E. Williams, D. Wyatt.

Total26

NEGATIVE: D. Johnson.

Total1

ABSENT OR NOT VOTING: L. Chesterfield, Elliott, Hendren, Laverty, Luker, Salmon, J. Taylor, Whitaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 207 was ordered immediately transmitted to the House as passed.

On motion of Senator Key, **Senate Bill No. 172** was called up for third reading and final disposition.

SENATE BILL NO. 172
As Engrossed: S2/8/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE PUBLIC RETIREMENT SYSTEMS; TO BRING THE PUBLIC RETIREMENT SYSTEMS INTO COMPLIANCE WITH FEDERAL LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 172 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 172**, 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, Lavery, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the adoption of the Emergency Clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 172 was ordered immediately transmitted to the House.

On motion of Senator Key, **House Bill No. 1120** was called up for third reading and final disposition.

**HOUSE BILL NO. 1120
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE INGRAM**

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN SERVICES DIVISION OF VOLUNTEERISM TO THE DEPARTMENT OF HUMAN SERVICES DIVISION OF COMMUNITY SERVICE AND NONPROFIT SUPPORT; AND FOR OTHER PURPOSES.

House Bill No. 1120 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1120 was ordered immediately returned to the House as passed.

On motion of Senator Burnett, **House Bill No. 1136** was called up for third reading and final disposition.

**HOUSE BILL NO. 1136
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LOVELL**

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A SHERIFF'S OFFICE RECORDS RETENTION SCHEDULE; AND FOR OTHER PURPOSES.

House Bill No. 1136 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, Laverty, Luker, Madison, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1136 was ordered immediately returned to the House as passed.

SENATE JOINT RESOLUTION NO. 11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR P. MALONE

A Joint Resolution for an Act to be Entitled: TO AMEND THE ARKANSAS CONSTITUTION CONCERNING ADMINISTRATIVE RULES PROMULGATED BY STATE AGENCIES.

Subtitle

TO AMEND THE ARKANSAS
CONSTITUTION CONCERNING
ADMINISTRATIVE RULES
PROMULGATED BY STATE
AGENCIES.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The purpose of this Senate Joint Resolution is to amend the Arkansas Constitution concerning administrative rules promulgated by state agencies.

Senate Joint Resolution No. 11 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

SENATE BILL NO. 221, BY SENATOR DISMANG,

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

HOUSE BILL NO. 1091, BY REP. SHEILLA E. LAMPKIN,

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, **House Bill No. 1091** was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

SENATE BILL NO. 130, BY SENATOR MALONE,

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

HOUSE BILL NO. 1282, BY REPRESENTATIVE ROBERT E. DALE,

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

February 9, 2011

Mr. President:

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

SENATE BILL NO. 115, BY SENATOR BILL SAMPLE,

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

SENATE JOINT RESOLUTION NO. 12
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR M. LAMOUREUX

A Joint Resolution for an Act to be Entitled: PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARKANSAS CONCERNING JUDGES OF THE ARKANSAS COURT OF APPEALS.

Subtitle
PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF THE STATE OF
ARKANSAS CONCERNING JUDGES OF
THE ARKANSAS COURT OF APPEALS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The purpose of this amendment to the Constitution of the State of Arkansas is to amend various provisions of the Arkansas Constitution regarding judges of the Arkansas Court of Appeals.

Senate Joint Resolution No. 12 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

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SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 82

SENATE BILL NO. 172

SENATE BILL NO. 207

SENATE BILL NO. 219

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1120

HOUSE BILL NO. 1136

On motion of Senator Bookout, the Senate adjourned until 1:30 p.m., Monday, February 14, 2011.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE