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

Little Rock, Arkansas

January 23, 2007

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:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPs, CRITCHER,
CRUMBLY, FARIS, GLOVER, HENDREN, HILL, HORN,
G.JEFFRESS, J.JEFFRESS, JOHNSON, LAVERTY,
LUKER, MADISON, MALONE, MILLER, PRITCHARD,
SALMON, SMITH, STEELE, TAYLOR, THOMPSON,
TRUSTY, WHITAKER, WILKINS, WILKINSON,
WOMACK.

The Senate was led in prayer by Senator Broadway.

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.

SENATE BILL NO. 170
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BROADWAY
BY: REPRESENTATIVES CORNWELL, D. CREEKMORE & J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE PURPOSES OF THE APPROPRIATION ENACTED BY ACT 1718 AND ACT 2315 OF THE REGULAR SESSION OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 170 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 171
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS BAKER AND BROADWAY

A Bill for an Act to be Entitled: AN ACT CONCERNING THE MEETINGS OF THE FAIR HOUSING COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 171 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 172
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVE HOUSE

A Bill for an Act to be Entitled: AN ACT TO REMOVE THE JURISDICTIONAL LIMITATION FOR A JUSTICE OF THE PEACE TO SOLEMNIZE MARRIAGES; AND FOR OTHER PURPOSES.

Senate Bill No. 172 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

SENATE BILL NO. 173
EIGHTY-SIXTH 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 DEPARTMENT OF PARKS AND TOURISM - ARKANSAS HISTORY COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 173 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 174
EIGHTY-SIXTH 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 BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 174 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 175
EIGHTY-SIXTH 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 DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 175 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 176
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR G. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE AMOUNT THE STATE HIGHWAY COMMISSION IS AUTHORIZED TO PAY FOR A TOOL ALLOWANCE FOR SPECIFIC EMPLOYEES; AND FOR OTHER PURPOSES.

Senate Bill No. 176 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 177
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WHITAKER
BY: REPRESENTATIVE BURRIS

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT COMPUTER-ASSISTED HUNTING FROM REMOTE LOCATIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 177 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, ECONOMIC & INDUSTRIAL DEVELOPMENT.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 32, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 33, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 34, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 36, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 37, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 41, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 42, BY JOINT BUDGET COMMITTEE,

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 SHAWN WOMACK

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1044, BY REPRESENTATIVE SULLIVAN,

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 STEVE FARIS

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1104, BY REPRESENTATIVE THYER,

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 STEVE FARIS

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

SENATE BILL NO. 99, BY SENATOR WILKINSON,

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 PAUL MILLER

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1043, BY REPRESENTATIVE WILLS,

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 IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1086, BY REPRESENTATIVE 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 IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1093, BY REPRESENTATIVE 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 IRMA HUNTER BROWN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1122, BY REPRESENTATIVE SHELBY,

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 IRMA HUNTER BROWN

On motion of Senator Faris, **Senate Resolution No. 3** was called up for third reading.

SENATE RESOLUTION NO. 3
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS FARIS AND STEELE
BY: REPRESENTATIVE DAVIS

SENATE RESOLUTION A RESOLUTION HONORING THE CENTENNIAL OF UNITED PARCEL SERVICE OF AMERICA, INC., (UPS) AND RECOGNIZING THE CONTRIBUTIONS OF THE COMPANY TO THE CITIZENS OF ARKANSAS.

Senate Resolution No. 3 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Critcher, **Senate Concurrent Resolution No. 3** was called up for a third reading.

SENATE CONCURRENT RESOLUTION NO. 3
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CRITCHER
BY: REPRESENTATIVE WYATT

SENATE CONCURRENT RESOLUTION TO COMMEND THE REPUBLIC OF CHINA ON TAIWAN FOR ITS CONTRIBUTIONS TO PROMOTING WORLD HEALTH AND TO SUPPORT ITS BID TO OBTAIN OBSERVER STATUS IN THE WORLD HEALTH ORGANIZATION.

Senate Concurrent Resolution No. 3 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 3 was ordered immediately transmitted to the House.

On motion of Senator Critcher, **Senate Concurrent Resolution No. 2** was called up for a third reading.

SENATE CONCURRENT RESOLUTION NO. 2
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CRITCHER
BY: REPRESENTATIVE WYATT

SENATE CONCURRENT RESOLUTION HONORING THE DISTINGUISHED PUBLIC SERVICE OF CHARLES O. CRANFORD, DDS, MPA.

Senate Concurrent Resolution No. 2 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 2 was ordered immediately transmitted to the House.

On motion of Senator Smith, **Senate Bill No. 120** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

Amendment No. 2 was withdrawn.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 120

Amend **Senate Bill No. 120** as originally introduced:

Page 2, delete line 31 and substitute the following:
check.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that current Arkansas law prevents an applicant from sitting for the real estate examination until the receipt of a state and federal background check by the Arkansas Real Estate Commission; that these background checks take a great deal of time to complete; and that requiring an applicant to delay taking the examination until the background checks are received unfairly punishes the applicant and negatively affects the real estate profession. Therefore, an emergency is declared to exist and this act being 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) T. SMITH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 120 was ordered engrossed.

On motion of Senator Madison, House Bill No. 1041 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
 EIGHTY-SIXTH GENERAL ASSEMBLY
 REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1041

Amend House Bill No. 1041 as engrossed:

Page 1, delete line 17 and substitute the following:
 "SCHOOLS AND TO PROVIDE SCHOOLS WITH"

AND

Page 2, delete lines 6 through 8 and substitute the following:

"(C)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

(ii) The local education agency shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2007.

(iii) However, under no circumstances shall the local education agency release, disclose, or make available for inspection to the public, any college, university, institution of higher learning, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record."

(SIGNED) SENATOR MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1041 was ordered engrossed.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

Mike Huckabee
Governor

January 08, 2007

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

The Honorable Jim Argue
President Pro Tempore
State Chambers State Capitol
Little Rock, AR 72201

Pursuant to the authority vested in me by the Constitution of Arkansas, I am submitting the following appointments to be confirmed.

I respectfully submit these appointments to your Honorable Body and request that they be confirmed.

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

MH:cr:aep

SENATOR RANDY LAVERTY

SENATOR CONFIRMATION 2007

<u>APPOINTEE</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Richard Deweese Carroll County	06/01/2010	Arkansas Workforce Investment Board
Roger Edwards Boone County	10/14/2009	Arkansas Fire Protection Services Board
Robert Pettz Madison County	07/31/2010	State Marketing Board for Recyclables
David Stoppel Carroll County	07/1/2009	Emergency Medical Services Advisory Council
Chris Trask Carroll County	07/18/2009	Fire Prevention Commission
Fred Taylor Johnson County	10/14/2008	Arkansas Fire Protection Services Board
Janice Vigh Searcy County	07/31/2009	Arkansas State Board of Acupuncture Related Techniques
Christen Weygaerts Carroll County	06/30/2011	Governor's Developmental Disabilities Council

January 23, 2007

The Honorable Mike Beebe
Governor of Arkansas
State Capitol Building
Little Rock, AR 72201

Governor Beebe:

This is to advise that the Senate in the Eighty-Sixth General Assembly, on a motion of Senator Randy Lavery, advised with and consented unanimously to the enclosed appointments heretofore submitted to this honorable body.

<u>APPOINTEE</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Richard Deweese Carroll County	06/01/2010	Arkansas Workforce Investment Board
Roger Edwards Boone County	10/14/2009	Arkansas Fire Protection Services Board
Robert Pettz Madison County	07/31/2010	State Marketing Board for Recyclables
David Stoppel Carroll County	07/1/2009	Emergency Medical Services Advisory Council
Chris Trask Carroll County	07/18/2009	Fire Prevention Commission
Fred Taylor Johnson County	10/14/2008	Arkansas Fire Protection Services Board
Janice Vigh Searcy County	07/31/2009	Arkansas State Board of Acupuncture Related Techniques
Christen Weygaerts Carroll County	06/30/2011	Governor's Developmental Disabilities Council

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/cm

Cc: The Honorable Charlie Daniels, Secretary of State
Mica Strother, Director of Boards and Commissions

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

SENATE BILL NO. 120, BY SENATOR T. SMITH,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 120** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

January 23, 2007

Mr. President:

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

HOUSE BILL NO. 1041, BY REPRESENTATIVES WALLACE,
HARDWICK & CREEKMORE,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Madison, **House Bill No. 1041** was ordered re-referred to the Committee on Education.

SENATE BILL NO. 178
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS HORN AND ALTES
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT TO HELP STATES JOIN TOGETHER TO ESTABLISH AN INTERSTATE COMPACT TO REGULATE DESIGNATED INSURANCE PRODUCTS; TO ADOPT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT; AND FOR OTHER PURPOSES.

Senate Bill No. 178 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

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SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 2

SENATE CONCURRENT RESOLUTION NO. 3

On motion of Senator Whitaker, the Senate adjourned until 1:30, Wednesday,
January 24, 2007.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

