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

Little Rock, Arkansas

January 9, 2007

The Senate was called to order at 10:00 a.m. o'clock a.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 Baker.

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 CONCURRENT RESOLUTION NO. 1
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BISBEE

SENATE CONCURRENT RESOLUTION PROVIDING THAT THE SENATE RECESS AT CLOSE OF BUSINESS ON THURSDAY, JANUARY 11, 2007, AND RECONVENE ON TUESDAY, JANUARY 16, 2007.

Senate Resolution No. 1 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 21
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES

A Bill for an Act to be Entitled: AN ACT TO CREATE A SALES AND USE TAX EXEMPTION FOR SALES OF TANGIBLE PERSONAL PROPERTY AND SERVICES TO THE DISABLED AMERICAN VETERANS ORGANIZATION AND ITS LOCAL STATE DEPARTMENTS OR CHAPTERS; AND FOR OTHER PURPOSES.

Senate Bill No. 21 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 22
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON, GREENBERG & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE SELECTION AND USE OF STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; TO MINIMIZE THE COST OF COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; AND FOR OTHER PURPOSES.

Senate Bill No. 22 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 23
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE SELECTION AND USE OF STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; TO PROHIBIT SINGLE-USE TEXTBOOKS AND COURSE MATERIALS TO MINIMIZE THE COST OF STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; AND FOR OTHER PURPOSES.

Senate Bill No. 23 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 24
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

BY: REPRESENTATIVES HARRELSON, GREENBERG & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOK SALES; TO REQUIRE PROMPT NOTICE OF THE ADOPTION OF TEXTBOOKS AND COURSE MATERIALS; AND FOR OTHER PURPOSES.

Senate Bill No. 24 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 25
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

BY: REPRESENTATIVES HARRELSON & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE SELECTION AND USE OF STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; TO PROHIBIT CUSTOMIZED TEXTBOOKS AND COURSE MATERIALS TO MINIMIZE THE COST OF COLLEGE AND UNIVERSITY TEXTBOOKS AND COURSE MATERIALS; AND FOR OTHER PURPOSES.

Senate Bill No. 25 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 26
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

BY: REPRESENTATIVES HARRELSON, GREENBERG & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE ADMINISTRATION AND USE OF STATE COLLEGE AND UNIVERSITY FINANCIAL ASSISTANCE TO STUDENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 26 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 27
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

BY: REPRESENTATIVES HARRELSON AND BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOK SALES; TO PROHIBIT INDUCEMENTS TO REQUIRE SPECIFIC TEXTBOOKS; AND FOR OTHER PURPOSES.

Senate Bill No. 27 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 28
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON AND BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE STATE-SUPPORTED COLLEGE AND UNIVERSITY TEXTBOOK SALES; TO REQUIRE COURSE SUPPLEMENTS BE SOLD TO COMPETING BOOKSTORES AT COST; AND FOR OTHER PURPOSES.

Senate Bill No. 28 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 29
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON, GREENBERG AND BURRIS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING TO PERMIT PRIVATE RETAILERS ACCESS TO STUDENT SALES; AND FOR OTHER PURPOSES.

Senate Bill No. 29 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 30
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON, GREENBERG & BURRIS

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE USE OF ROYALTIES FROM THE SALE OF TEXTBOOKS AND OTHER EDUCATIONAL MATERIALS OR PUBLICATIONS BY STATE-SUPPORTED COLLEGE AND UNIVERSITY EMPLOYEES; AND FOR OTHER PURPOSES.

Senate Bill No. 30 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 31
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES HARRELSON AND BURRIS

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT REFERRALS TO WEBSITES OF TEXTBOOK SELLERS THAT ARE NOT REQUIRED TO COLLECT AND DO NOT AGREE TO PAY ARKANSAS SALES AND USE TAXES; AND FOR OTHER PURPOSES.

Senate Bill No. 31 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 32
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 OPERATING EXPENSES FOR THE DEPARTMENT OF LABOR WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 1420 OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 32 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 33
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 UNIVERSITY OF ARKANSAS - ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES AND ARTS WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2125 OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 33 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 34
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 OPERATING EXPENSES AND GRANTS AND AID FOR THE DEPARTMENT OF HEALTH & HUMAN SERVICES - DIVISION OF HEALTH WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 2306 OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 34 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 35
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 OPERATING EXPENSES FOR THE ARKANSAS STATE BOARD OF ACUPUNCTURE AND RELATED TECHNIQUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 35 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 36
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 OPERATING EXPENSES FOR THE ARKANSAS BOARD OF HEALTH EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 36 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Concurrent Resolution No. 1** at this time.

On motion of Senator BISBEE, **Senate Concurrent Resolution No. 1** was ordered for a third reading.

SENATE CONCURRENT RESOLUTION NO. 1
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BISBEE

SENATE CONCURRENT RESOLUTION PROVIDING THAT THE SENATE RECESS AT CLOSE OF BUSINESS ON THURSDAY, JANUARY 11, 2007, AND RECONVENE ON TUESDAY, JANUARY 16, 2007.

Senate Concurrent Resolution No. 1 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 1 was ordered immediately transmitted to the House as adopted.

The President declared the morning hour to have expired.

On motion of Senator Critcher the Senate recessed until five minutes after the conclusion of Governor Beebe's speech..

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

JOINT SESSION - 10:30 a.m.

1. The session was called to order by the Speaker of the House, the Honorable Benny C. Petrus.
2. The Secretary of the Senate called the roll of the Senate.

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.

3. Electronic Roll Call of the House by the Chief Clerk.

ABERNATHY, ADCOCK, ALLEN, ANDERSON, BAKER, BERRY, BLOUNT, BOND, BRADFORD, BREEDLOVE, E. BROWN, J. BROWN, BURKES, BURRIS, CASH, CHEATHAM, CHESTERFIELD, COOK, COOPER, CORNWELL, COWLING, CREEKMORE, DAVENPORT, DAVIS, DICKINSON, DOBBINS, DUNN, EDWARDS, D. EVANS, L. EVANS, EVERETT, FLOWERS, GARNER, GASKILL, GEORGE, GLIDEWELL, GREEN, GREENBERG, HALL, HARDWICK, HARRELSON, HARRIS, HAWKINS, HOUSE, HOYT, HUTCHINSON, HYDE, JEFFREY, D. JOHNSON, J. JOHNSON, KENNEY, KEY, KIDD, KING, LAMOUREUX, LEWELLEN, LOVELL, LOWERY, MALOCH, MARTIN, MAXWELL, MEDLEY, MOORE, NORTON, OVERBEY, PACE, PATE, PATTERSON, PENNARTZ, PICKETT, PIERCE, POWERS, PRATER, PYLE, RAGLAND, REEP, REYNOLDS, ROEBUCK, ROGERS, ROSENBAUM, SAMPLE, SAUNDERS, SCHULTE, SHELBY, SMITH, STEWART, SULLIVAN, SUMPTER, THYER, WAGNER, WALTERS, WEBB, WELLS, WILLS, WOOD, WOODS, WYATT, MR. SPEAKER

4. Invocation by the House Chaplain, Abbott Jerome Kodell, Subiaco Abbey & Academy, Subiaco, Arkansas.

5. Speaker of the House, The Honorable Benny C. Petrus, recognizes visiting dignitaries.
6. Speaker Benny C. Petrus recognizes House Parliamentarian Tim Massanelli to announce the results of the General Election vote for the United States Senate, the United States Congress, Proposed Constitutional Amendments, and Ballot Issues.
7. Speaker Benny C. Petrus recognizes House Parliamentarian Tim Massanelli for the Declaration of the results of the General Election vote for the Arkansas State Constitutional Officers. (Each Officer goes to the Podium of the Chamber to take the Oath of Office after the Speaker announces the results of each election.)
8. Oath of Office administered to Constitutional Officers by the Honorable Jim Hannah, Chief Justice of the Arkansas Supreme Court.

First -- Lieutenant Governor	Bill Halter
Second -- Secretary of State	Charlie Daniels
Third -- Attorney General	Dustin McDaniel
Fourth -- Auditor of State	Jim Wood
Fifth -- Treasurer of State	Martha A. Shoffner
Sixth -- Commissioner of State Lands	Mark Wilcox
9. President of the Senate, The Honorable Bill Halter appoints the following named Senate Committee:

Senator Jim Argue, Jr., Chairperson	
Senator Irma Hunter Brown	Senator Percy Malone
Senator Steven Bryles	Senator Paul Miller
Senator John Paul Capps	Senator Ed Wilkinson
Senator Henry "Hank" Wilkins	Senator Jack L. Critcher
Senator Steve Faris	Senator Shawn A. Womack
Senator Jim Hill	Senator Jim Luker

And, Speaker Benny C. Petrus appoints the following named House Committee:

Representative Robert N. Jeffrey, Chairperson

Representative Mike Kenney	Representative Jeff D. Wood
Representative Eddie Cooper	Representative David Dunn
Representative Robbie Wills	Representative Lenville Evans
Representative Keven Anderson	Representative Shirley Walters
Representative Linda Chesterfield	Representative David Evans
Representative Tommy Dickinson	Representative Eric Harris
Representative Stephanie Flowers	Representative Daryl A. Pace
Representative Sid Rosenbaum	Representative Chris Thyer

as the Committee to notify Governor Mike Beebe that the Joint Session is ready to receive him and to escort the Governor to the Speaker's Rostrum.

10. Speaker Benny C. Petrus recognizes House Parliamentarian Tim Massanelli for the Declaration of the results of the General Election vote for the Office of Governor.
11. Oath of Office administered to Governor Mike Beebe by the Honorable Jim Hannah, Chief Justice of the Arkansas Supreme Court.
12. Key to the Governor's Office was presented to Governor Mike Beebe by Speaker Benny C. Petrus.
13. President of the Senate, The Honorable Bill Halter presents the Honorable Mike Beebe, Governor of the State of Arkansas for remarks.
14. Remarks by the Honorable Mike Beebe, Governor of the State of Arkansas.
15. Announcements.
16. House adjourns for remarks by the Honorable Mike Beebe, Governor of the State of Arkansas on the front steps of the Capitol at 12 Noon.

HOUSE BILL NO. 1001
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES PETRUS AND THYER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR NECESSARY EXPENSES, PAY EXPENSES OF MEMBERS, PAY SALARIES OF EMPLOYEES, PAY FOR SUPPLIES AND EQUIPMENT FOR THE ARKANSAS HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY FOR THE FISCAL YEAR ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

House Bill No. 1001 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE CONCURRENT RESOLUTION NO. 1001
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PETRUS

HOUSE CONCURRENT RESOLUTION TO ADOPT THE RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE EIGHTY-SIXTH GENERAL ASSEMBLY.

House Concurrent Resolution No. 1001 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 37
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 THE OFFICE OF LIEUTENANT GOVERNOR WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 22 OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 37 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE CONCURRENT RESOLUTION NO. 1
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BISBEE

SENATOR BISBEE SENATE CONCURRENT RESOLUTION PROVIDING THAT THE SENATE RECESS AT CLOSE OF BUSINESS ON THURSDAY, JANUARY 11, 2007, AND RECONVENE ON TUESDAY, JANUARY 16, 2007.

Senate Concurrent Resolution No. 1 was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 1 was ordered immediately transmitted to the House.

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HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL 1001

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1001

On motion of Senator Whitaker the Senate adjourned until 1 p.m. Wednesday, January 10, 2007.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE