

--ooOoo--

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

Little Rock, Arkansas

February 7, 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 Argue.

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On motion of Senator Wilkins, **Senate Bill No. 146** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 3.

Amendment No. 2 was withdrawn by author.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 146

Amend **Senate Bill No. 146** as engrossed, S1/29/07 :

Page 2, delete line 35 and substitute the following:

"human beings without ~~the use of~~ administering drugs or surgery."

AND

Page 3, line 15, delete "17-102-102." and substitute "17-102-102; and"

AND

Page 3, delete lines 16 through 17 entirely

(SIGNED) SENATOR HENRY "HANK" WILKINS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 146 was ordered engrossed.

On motion of Senator Faris, [Senate Joint Resolution No. 4](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.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-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

[Amendment No. 1 to SENATE JOINT RESOLUTION NO. 4](#)

Amend [Senate Joint Resolution No. 4](#) as originally introduced:

Page 1, line 9, delete "AN ACT TO AMEND" and substitute "AMENDING"

AND

Page 1, line 26, delete "AN ACT TO AMEND" and substitute "AMENDING"

(SIGNED) SENATOR FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Joint Resolution No. 4](#) was ordered engrossed.

On motion of Senator Steele, **Senate Bill No. 191** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No.1.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-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 191

Amend **Senate Bill No. 191** as originally introduced:

Add Senator Faris as a cosponsor of the bill.

(SIGNED) SENATOR TRACY STEELE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 191 was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 230** 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-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 230

Amend **Senate Bill No. 230** as originally introduced:

Page 17, line 25, delete "voter" and substitute "ballot"

(SIGNED) SENATOR FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 230 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE JOINT RESOLUTION NO. 4, BY SENATOR FARIS,

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 Faris, *Senate Joint Resolution No. 4* was ordered referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE BILL NO. 146, BY SENATOR WILKINS,
SENATE BILL NO. 191, BY SENATOR STEELE,

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 Wilkins, **Senate Bill No. 146** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Steele, **Senate Bill No. 191** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE BILL NO. 230, BY SENATOR FARIS,

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 Faris, **Senate Bill No. 230** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE BILL NO. 258, 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
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

SENATE BILL NO. 2, BY SENATOR J. TAYLOR,
SENATE BILL NO. 182, BY SENATOR ALTES,
SENATE BILL NO. 184, BY SENATOR R. THOMPSON,
SENATE BILL NO. 213, BY SENATOR HILL,
SENATE BILL NO. 215, BY SENATOR T. SMITH,
SENATE BILL NO. 246, BY SENATOR WILKINSON,

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

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

HOUSE BILL NO. 1235, BY REPRESENTATIVE MEDLEY,
HOUSE BILL NO. 1309, BY REPRESENTATIVE D. CREEKMORE,

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

Respectfully submitted,

(SIGNED) SENATOR ED WILKINSON
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE & LABOR, to whom was referred:

HOUSE BILL NO. 1069, BY REPRESENTATIVE BOND,
HOUSE BILL NO. 1101, BY REPRESENTATIVE REEP,
HOUSE BILL NO. 1282, BY REPRESENTATIVE GEORGE,

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

Respectfully submitted,

(SIGNED) SENATOR JACK CRITCHER
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE & LABOR, to whom was referred:

HOUSE BILL NO. 1196, BY REPRESENTATIVE PRATER,

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 CRITCHER
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

SENATE BILL NO. 119, BY SENATOR HORN,

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. 3.

Respectfully submitted,

(SIGNED) SENATOR JIM HILL
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1300, BY REPRESENTATIVE WYATT,

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 JIM HILL
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on REVENUE & TAXATION, to whom was referred:

HOUSE BILL NO. 1030, BY REPRESENTATIVE SULLIVAN,
HOUSE BILL NO. 1202, BY REPRESENTATIVE THYER,

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

Respectfully submitted,

(SIGNED) SENATOR JIM HILL
CHAIRMAN

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE BEEBE
Governor

February 6, 2007

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on February 6, 2007, I approved the following measures from the Regular Session of the Eighty-sixth General Assembly:

Senate Concurrent Resolution 2

Senate Bill 38 - ACT 50
Senate Bill 44 - ACT 51

Senate Bill 85 - ACT 52
Senate Bill 120 - ACT 53

Sincerely,

(SIGNED) MIKE BEEBE
Governor

SENATE JOINT RESOLUTION NO. 9
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AMENDING THE ARKANSAS CONSTITUTION CONCERNING SERVICE IN ELECTED POSITIONS; PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE RECALL OF PERSONS ELECTED TO CONSTITUTIONAL OFFICES, MEMBERS OF THE SENATE, MEMBERS OF THE HOUSE OF REPRESENTATIVES, DISTRICT JUDGES, CIRCUIT JUDGES, JUDGES OF THE COURT OF APPEALS, JUSTICES OF THE SUPREME COURT, CIRCUIT CLERKS, COUNTY CLERKS, COUNTY JUDGES, COUNTY SHERIFFS, COUNTY ASSESSORS, COUNTY CORONERS, COUNTY TREASURERS, OR COUNTY SURVEYORS BY QUALIFIED ELECTORS OF THE STATE OF ARKANSAS; SPECIFYING THE PROCEDURE FOR REQUESTING AND CONDUCTING A RECALL ELECTION; PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING INCREASING THE LENGTH OF TERMS OF CIRCUIT CLERKS, COUNTY CLERKS, COUNTY JUDGES, COUNTY SHERIFFS, COUNTY ASSESSORS, COUNTY CORONERS, COUNTY TREASURERS, COUNTY SURVEYORS, AND JUSTICES OF THE PEACE FROM TWO (2) YEARS TO FOUR (4) YEARS; AMENDING AMENDMENT 55 OF THE ARKANSAS CONSTITUTION CONCERNING THE QUALIFICATIONS TO SERVE AS A JUSTICE OF THE PEACE AND THE COMMISSION RECEIVED BY A JUSTICE OF THE PEACE; REPEALING OBSOLETE LANGUAGE; PROVIDING THAT PERSONS ELECTED TO THE HOUSE OF REPRESENTATIVES MAY SERVE SIX (6) TWO-YEAR TERMS; PROVIDING THAT PERSONS ELECTED TO THE SENATE MAY SERVE THREE (3) FOUR- YEAR TERMS; AND PROVIDING THAT JUDGES OF THE SUPREME COURT AND COURT OF APPEALS MAY SERVE NO MORE THAN TWO (2) EIGHT-YEAR TERMS.

Subtitle

AMENDING THE ARKANSAS CONSTITUTION
CONCERNING SERVICE IN ELECTED POSITIONS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Definitions.

As used in this amendment:

(1) "Elected county official" means a person elected to the position of circuit clerk, county clerk, county judge, county sheriff, county assessor, county coroner, county treasurer, or county surveyor;

(2) "Elected judicial office" means the office of district judge, circuit judge, judge of the Court of Appeals, and justice of the Supreme Court;

(3) "Elected official" means any person elected to a state constitutional office, the Senate, the House of Representatives, or an elected judicial office;

(4) "Recall" means the voting by the electors of the state or the electors of a district to ascertain whether or not it is the desire of the majority of the electors to allow an elected official to remain in that capacity for the duration of his or her elected term; and

(5) "Recall petition" means a petition demanding the recall of an elected official.

Petition.

(a) The qualified electors of the state, district, or county may petition for the recall of an elected official by filing a recall petition demanding the recall of the elected official.

(b)(1)(A) The recall petition for the recall of an elected official elected statewide shall be signed by qualified electors of the state in a number of at least fifteen percent (15%) of the votes cast for Governor at the last general election at which a Governor was elected.

(B) The recall petition shall include signatures of qualified electors from at least thirty-five (35) counties in the state.

(C) No more than one-half (1/2) of the total number of signatures may be from any one (1) county.

(2)(A) The recall petition for an elected official elected by a district shall be signed by qualified electors of the district in which the elected official is serving in a number of at least thirty percent (30%) of the registered voters in the district.

(B) However, in a district that encompasses at least two (2) whole counties, no more than one-half (1/2) of the total number of signatures may be from any one (1) county.

(3) The recall petition for an elected county official shall be signed by qualified electors of the county in which the elected county official is serving in a number of at least fifty-one percent (51%) of the votes cast for Governor in the county at the last general election in which a Governor was elected.

Recall of officers elected statewide and members of the General Assembly.

(a)(1)(A) The recall of a member of the General Assembly or an elected official elected statewide shall be initiated by filing a notice of intent to circulate a recall petition with the Secretary of State.

(B) The notice of intent shall not be filed during the first six (6) months of a term of office.

(2) No recall petition shall be circulated before the notice of intent is filed.

(3) The notice of intent to circulate a recall petition shall state the reason the member of the General Assembly or elected official elected statewide should be recalled.

(4) The filer of the notice of intent to circulate a recall petition shall within five (5) calendar days after filing the notice of intent notify the member of the General Assembly or elected official elected statewide who will be the subject of a recall petition by certified mail with return receipt requested.

(b) A separate recall petition shall be used for each county and recall petitions from each county shall be kept separate to facilitate voter identification.

(c) The recall petitions shall be filed with the Secretary of State not less than sixty (60) calendar days nor more than eighty (80) calendar days after the filing of the notice of intent to circulate a recall petition.

(d) Within thirty (30) calendar days after the recall petition is filed, the Secretary of State shall determine whether the recall petition is sufficient and if sufficient, shall state the sufficiency in a certificate attached to the recall petition.

(e)(1) If the recall petition is found to be insufficient, the certificate shall state the reasons creating the insufficiency.

(2) The recall petition may be amended to correct any insufficiency within thirty (30) calendar days after the filing of the original certificate by the Secretary of State.

(3) Within fifteen (15) calendar days after filing the amended recall petition, the Secretary of State shall examine the recall petition again to determine sufficiency and shall attach a certificate stating the findings to the recall petition.

(f)(1)(A) Immediately upon finding an original or amended recall petition sufficient, the Secretary of State shall notify the Governor who shall immediately call a special election for the purpose of submitting the recall proposal to the electors.

(B) However, if the Governor is the subject of the recall petition, then the special election shall be called by the Lieutenant Governor.

(2)(A) The special election for the purpose of submitting the recall proposal to the electors shall be held within sixty (60) calendar days after the call for a special election.

(B) However, if the general election is to be held within ninety (90) calendar days, the recall proposal shall be held and submitted at the general election.

Recall petitions for statewide elected officers and members of the General Assembly.

(a) The recall petition of an elected official who is elected statewide or the recall of a member of the General Assembly shall be in substantially the following form:

"PETITION FOR RECALL

To the Secretary of State:

We, the undersigned legal voters of

(Arkansas or District)

respectfully order that

(Name of Elected Official)

be referred to the people of

(Arkansas or District)

to the end that the elected official may be approved or rejected by the vote of the legal voters at an election to be held for this purpose; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of [Arkansas or district], and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature."

(b) Each sheet of each recall petition containing the signatures shall be verified in substantially the following form by the person who circulated the sheet of the recall petition by his or her affidavit attached to the recall petition. The affidavit shall be in substantially the following form:

"STATE OF ARKANSAS)

COUNTY)

I, _____ under oath, state that the above-listed persons signed this sheet, and each of them signed his or her name on this sheet in my

presence. I believe that each has correctly stated his or her name, date of birth, residence, city or town of residence, and date of signing the petition.

Signature _____

Address _____

Subscribed and sworn to before me this the _____ day of _____.

Signature _____

Notary Public

My Commission Expires: _____ "

(c) The forms provided in this section are not mandatory, and if substantially followed in any recall petition it shall be sufficient, disregarding clerical and technical errors.

Recall of elected official other than a statewide officer or member of the General Assembly.

(a)(1) The recall of an elected official other than an elected official elected statewide or a member of the General Assembly, including an elected county official, shall be initiated by filing a notice of intent to circulate a recall petition.

(2) No recall petition shall be circulated before the notice of intent is filed.

(3) The notice of intent to circulate a recall petition shall state the reason the elected official or elected county official should be recalled.

(4) The notice of intent to circulate a recall petition seeking the recall of the elected official or elected county official shall be filed with the county clerk of the county of residence of the elected official or elected county official.

(5) The filer of the notice of intent to circulate a recall position shall within five (5) calendar days notify the elected official or elected county official who will be the subject of a recall petition by certified mail with return receipt requested.

(b) A separate recall petition shall be used for each county and recall petitions from each county shall be kept separate to facilitate voter identification.

(c) The recall petition shall be filed with the county clerk of the county of residence of the elected official or elected county official not less than sixty (60) calendar days nor more than eighty (80) calendar days after the filing of the notice of intent to circulate a recall petition.

(d)(1) Within thirty (30) calendar days after the recall petition is filed, the county clerk shall determine whether the petition is sufficient and, if sufficient, shall state the sufficiency in a certificate attached to the recall petition.

(2) If the district from which the elected official was elected includes all or a part of more than one (1) county the county clerks of the other counties shall assist the county clerk of the county in which the petition was filed to determine the validity of the names of legal voters on parts of the recall petition with signatures from their respective counties.

(e)(1) If the petition is found to be insufficient, the county clerk shall attach a certificate to the recall petition that states the reasons creating the insufficiency.

(2) The recall petition may be amended to correct any insufficiency within thirty (30) calendar days following the filing of the original certificate by the county clerk.

(3) Within fifteen (15) calendar days after filing the amended recall petition, the county clerk shall examine the recall petition again to determine whether it is sufficient and shall attach a certificate stating his or her findings regarding sufficiency.

(f)(1) Immediately upon finding an original recall petition or amended recall petition sufficient, the county clerk of the county in which the elected official or elected county official resides shall notify the county board of election commissioners of the county in which the elected official or elected county official resides and the board shall immediately call a special election for the purpose of submitting the recall proposal to the electors.

(2) The special election shall be held within sixty (60) calendar days after the call for a special election.

(3) However, if the general election is to be held within ninety (90) calendar days, the recall proposal shall be held and submitted at the general election.

Recall petitions for elected official other than a statewide officer or member of the General Assembly.

(a) The recall petition of an elected official other than an elected official who is elected statewide or a member of the General Assembly, including an elected county official, shall be in substantially the following form:

"PETITION FOR RECALL

To the County Clerk of _____ County:

We, the undersigned legal voters of

(District) respectfully order that

(Name of Elected Official or Elected County Official)

be referred to the people of

(District or County)

to the end that the elected official or elected county official may be approved or rejected by the vote of the legal voters at an election to be held for this purpose; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the district or county, and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature."

(b) Each sheet of each recall petition containing the signatures shall be verified in substantially the following form by the person who circulated the sheet of the recall petition by his or her affidavit attached to the petition. The affidavit shall be in substantially the following form:

"STATE OF ARKANSAS)
COUNTY)

I, _____ under oath, state that the above-listed persons signed this sheet, and each of them signed his or her name on this sheet in my presence. I believe that each has correctly stated his or her name, date of birth, residence, city or town of residence, and date of signing the petition.

Signature _____

Address _____

Subscribed and sworn to before me this the _____ day of _____, _____

Signature _____

Notary Public

My Commission Expires: _____ "

(c) The forms provided in this section are not mandatory, and if substantially followed in any recall petition it shall be sufficient, disregarding clerical and technical errors.

Ballot.

(a) At the election the recall proposal shall be printed on the ballot in substantially the following form:

Name: _____ Office: _____

"For Permitting _____ to continue to serve the term of office for which elected / /

Name: _____ Office: _____

Against Permitting _____ to continue to serve the term of office for which elected / /"

(b)(1) If at the election a majority of the qualified electors voting on the recall proposal vote against permitting the elected official or elected county official to serve the term of office to which he or she was elected, an immediate vacancy shall exist in the office, and the vacancy shall be filled in the manner prescribed by law.

(2) If at the election a majority of the qualified electors voting on the recall proposal vote for permitting the elected official or elected county official to continue to serve the term of office for which he or she elected, the elected official or elected county official shall serve the full term for which he or she was elected.

Frequency of recall.

After one (1) recall petition and election, no further recall petition shall be filed against the same elected official or elected county official during the same term of office.

Recall expenses.

All expenses of an election for the recall of an elected official or elected county official shall be paid for in the same manner and from the same source as provided by applicable law for election expenses.

Ballot question.

(a) Any recall issue shall be considered a ballot question for purposes of applicable laws on measures referred to voters.

(b) An elected official, an elected county official, any person or entity acting on behalf of the elected official or elected county official, or any other person or entity who receives contributions or makes expenditures for the purpose of attempting to influence the qualification, passage, or defeat of a recall petition or recall proposal shall be considered a ballot question committee and shall comply with applicable laws on measures referred to voters.

SECTION 2. Section 19 of Article 7 of the Arkansas Constitution is amended to read as follows:

§ 19. Circuit clerks - Election - Term of office - Ex-officio duties — County clerks elected in certain counties.

The clerks of the circuit courts shall be elected by the qualified electors of the several counties for the term of ~~two~~ four (4) years, and shall be ex-officio clerks of the county and probate courts and recorder; provided, that ~~in any county having a population exceeding fifteen thousand inhabitants, as shown by the last Federal census, there shall be elected~~ may elect a county clerk, in like manner as the clerk of the circuit court, for the term of four (4) years, and in such case the county clerk shall be ex-officio clerk of the probate court of such county until otherwise provided by the General Assembly.

SECTION 3. Section 29 of Article 7 of the Arkansas Constitution is 20 amended to read as follows:

§ 29. County judge - Election - Term - Qualifications.

The Judge of the County Court shall be elected by the qualified electors of the county for the term of ~~two~~ four (4) years. He or she shall be at least twenty-five (25) years of age, a citizen of the United States, a ~~man~~ person of upright character, of good business education, and a resident of the State for two (2) years before his or her election; and a resident of the county at the time of his or her election, and during his or her continuance in office.

SECTION 4. Section 38 of Article 7 of the Arkansas Constitution is repealed.

~~§ 38. Justices of the peace - Election - Term - Oath.~~

~~The qualified electors of each township shall elect the Justices of the Peace for the term of two years; who shall be commissioned by the Governor, and their official oath shall be indorsed on the commission."~~

SECTION 5. Section 41 of Article 7 of the Arkansas Constitution is repealed.

~~§ 41. Qualifications of justice of peace.~~

~~A Justice of the Peace shall be a qualified elector and a resident of the township for which he is elected.~~

SECTION 6. Section 46 of Article 7 of the Arkansas Constitution is amended to read as follows:

§ 46. County executive officers - Compensation of county assessor. The qualified electors of each county shall elect one (1) Sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law; one (1) Assessor, one (1) Coroner, one (1) Treasurer, who shall be ex-officio treasurer of the common school fund of the county, and one (1) County Surveyor; for the term of ~~two~~ four (4) years, with such duties as are now or may be prescribed by law: Provided, that no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

SECTION 7. Amendment 41 of the Arkansas Constitution is amended to read as follows:

Election of county clerk.

The provisions for the election of a County Clerk upon a population basis are hereby abolished and there may be elected a County Clerk in like manner as a Circuit Clerk, for the term of four (4) years, and in such cases, the County Clerk may be ex officio Clerk of the Probate Court of such county until otherwise provided by the General Assembly.

SECTION 8. Section 2 of Amendment 55 of the Arkansas Constitution is amended to read as follows:

§ 2. Composition of quorum court - Power over elective offices.

(a)(1) No county's Quorum Court shall be comprised of fewer than nine (9) justices of the peace, nor comprised of more than fifteen (15) justices of the peace.

(2) A justice of the peace shall be elected for a term of four (4) years, except that the term prior to an apportionment shall be a two-year term.

(3) A justice of the peace shall be a qualified elector and a resident of the district for which he or she is elected.

(4) A justice of the peace shall be commissioned by the Governor, and his or her official oath shall be indorsed on the commission.

(5) The number of justices of the peace that comprise a county's Quorum Court shall be determined by law.

(6) The county's Election Commission shall, after each decennial census, divide the county into convenient and single member districts so that the Quorum Court shall be based upon the inhabitants of the county with each member representing, as nearly as practicable, an equal number thereof.

(b) The Quorum Court may create, consolidate, separate, revise, or abandon any elective county office or offices except during the term thereof; provided, however, that a majority of those voting on the question at a general election have approved said action.

SECTION 9. Section 2 of Amendment 73 of the Constitution of the State of Arkansas is amended to read as follows:

§ 2. Legislative Branch.

(a)(1) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

(2) No member of the Arkansas House of Representatives may serve more than three six (6) such two-year two-year terms.

(3) For purposes of this section, terms served in the House of Representatives prior to January 1, 1993, the effective date of Amendment 73, shall not be counted in calculating the number of terms served.

(b)(1) The Arkansas Senate shall consist of members to be chosen every four (4) years by the qualified electors of the several districts.

(2) No member of the Arkansas Senate may serve more than two three (3) such four year terms.

(3) For purposes of this section, terms served in the Arkansas Senate prior to January 1, 1993, the effective date of Amendment 73, shall not be counted in calculating the number of terms served.

SECTION 10. Subdivision (A) of Section 16 of Amendment 80 to the Arkansas Constitution, concerning Justices of the Supreme Court and Judges of the Court of Appeals, is amended to read as follows:

(A) Justices of the Supreme Court and Judges of the Court of Appeals shall have been licensed attorneys of this state for at least eight (8) years immediately preceding the date of assuming office. They shall serve eight-year terms. They shall serve no more than two (2) terms.

SECTION 11. This amendment becomes effective on January 1, 2009.

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

SENATE JOINT RESOLUTION NO. 10
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BOOKOUT
BY: REPRESENTATIVES SUMPTER AND THYER

A Bill for an Act to be Entitled: PROPOSING A CONSTITUTIONAL AMENDMENT TO CHANGE SESSIONS OF THE GENERAL ASSEMBLY FROM BIENNIAL TO ANNUAL SESSIONS; AND TO ESTABLISH THE LENGTH OF THE SESSIONS.

Subtitle

PROPOSING A CONSTITUTIONAL AMENDMENT TO
CHANGE SESSIONS OF THE GENERAL ASSEMBLY
FROM BIENNIAL TO ANNUAL SESSIONS AND TO
ESTABLISH THE LENGTH OF THE SESSIONS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Section 5 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 5. Time of meeting.

The General Assembly shall meet at the seat of government ~~every two years on the first Tuesday after the second Monday in November until said~~ each year on the second Monday in January until the time be altered by law.

SECTION 2. Section 17 of Article 5 of the Constitution of the State of Arkansas is amended to read as follows:

§ 17. Duration of sessions.

The regular ~~biennial~~ annual sessions shall not exceed sixty days in duration, unless by a vote of two-thirds of the members elected to each house of ~~said the~~ General Assembly. This section shall not apply ~~to the first session of the General Assembly under this Constitution, or when impeachments are pending.~~

SECTION 3. Section 29 of Article 5, of the Arkansas Constitution is amended to read as follows:

29. Appropriations.

(a) No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations shall be for a longer period than two years. An appropriation bill enacted in a regular session of the General Assembly in an even-numbered year shall not extend beyond the biennial period in which the bill is enacted.

(b) As used in this constitution, "biennial period" means July 1 of an odd-numbered year through June 30 of the next odd-numbered year.

SECTION 4. Section 40 of Article 5 of the Arkansas Constitution is amended to read as follows:

40. General appropriation bill - Enactment.

§-4. (a) In making appropriations for any biennial period, the General Assembly shall first pass the General Appropriation Bill provided for in Section 30 of Article 5 of the Constitution, and no other appropriation bill may be enacted before that shall have been done.

(b)(1) If the General Appropriation Bill enacted during a regular session held in an odd-numbered year is effective for both fiscal years of the biennium, then in the regular session held in an even-numbered year, the General Assembly is not required to enact a General Appropriation Bill before other appropriation bills may be enacted for the second year of the biennium.

(2) If the General Appropriation Bill enacted during a regular session held in an odd-numbered year is effective only for the first fiscal year of the biennium, then during a regular session held in the subsequent even-numbered year, the General Appropriation Bill for the second year of the biennium must be enacted before any other appropriation bill may be enacted.

SECTION 5. This amendment becomes effective January 1, 2009.

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

SENATE BILL NO. 272
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH
BY: REPRESENTATIVE REEP

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 5-64-101(14) TO INCLUDE ALL CONTROLLED SUBSTANCES IN THE DEFINITION OF CERTAIN DRUG PARAPHERNALIA OBJECTS; AND FOR OTHER PURPOSES.

Senate Bill No. 272 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 273
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT NO TAX IS DUE ON ADMISSIONS OR ACCESS TO A PLACE OF AMUSEMENT, ENTERTAINMENT, RECREATION, OR ATHLETIC EVENT FOR WHICH NO CONSIDERATION IS PAID; TO REPEAL OBSOLETE LAW; AND FOR OTHER PURPOSES.

Senate Bill No. 273 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

On motion of Senator Steele, **Senate Concurrent Memorial Resolution No. 1** was called up for third reading.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 1
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS STEELE, BROWN, CRUMBLY & WILKINS
BY: REPRESENTATIVES BLOUNT, E. BROWN, CHESTERFIELD, DAVIS,
ALLEN, T. BAKER, S. DOBBINS, FLOWERS, HARDY, W. LEWELLEN & RAINEY

A Bill for an Act to be Entitled: IN RESPECTFUL MEMORY OF DR. JERRY DONAL JEWELL AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senator Hendren spoke for the resolution.

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Bisbee, House Bill No. 1179 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1179

Amend House Bill No. 1179 as engrossed H1/23/07:

Page 2, delete lines 4 through 6, and substitute the following:

"incorporated town shall lie within five (5) miles ~~from the corporate limits~~ of an existing municipal corporation and within the area in which that existing municipal corporation is exercising its planning territorial jurisdiction, unless the governing body of the municipal"

(SIGNED) SENATOR DAVID BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1179 was ordered engrossed.

On motion of Senator Madison, **House Bill No. 1320** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1320

Amend **House Bill No. 1320** as originally introduced:

Page 1, delete lines 30 and 31, and substitute the following:

"~~(e)~~(b) A deputy treasurer shall possess all the powers of as authorized by the county treasurer."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1320 was ordered engrossed.

On motion of Senator Horn, the rules were suspended in considering **Senate Bill No. 119** at this time.

On motion of Senator Horn, **Senate Bill No. 119** was placed back on second reading for purpose of Amendment No. 3.

Amendment No 2 was withdrawn by the author.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 119

Amend **Senate Bill No. 119** as engrossed, S1/25/07:

Page 1, delete lines 13 and 14, and substitute the following:

“STATE BY REDUCING THE STATE SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY USED OR CONSUMED IN”

AND

Page 1, delete lines 18 through 21, and substitute the following:

“TO PROMOTE ECONOMIC DEVELOPMENT WITHIN THE STATE BY REDUCING THE STATE SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY USED OR CONSUMED IN MANUFACTURING.”

AND

Delete everything after the ENACTING CLAUSE and substitute the following:

“SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 3 is amended to add an additional section to read as follows:

26-52-319. Gas and electricity used in manufacturing.

(a)(1) Beginning July 1, 2007, in lieu of the gross receipts or gross proceeds tax levied in § 26-52-301 and § 26-52-302(a), (b), (c), and (d), there is levied an excise tax on the gross receipts or gross proceeds derived from the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process at the rate of four and three-eighths percent (4.375%).

(2) Beginning July 1, 2008, the tax rate imposed in subdivision (a)(1) of this section shall be imposed at the rate of three and seven-eighths percent (3.875%).

(3) The taxes levied in subsection (a) of this section shall be distributed as follows:

(A) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received by the Director of the Department of Finance and Administration shall be deposited as general revenues;

(B) Eight and one-half percent (8.5%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Property Tax Relief Trust Fund; and

(C) Fourteen and nine-tenths percent (14.9%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Educational Adequacy Fund.

(4)(A) The excise tax levied in this section shall apply only to natural gas and electricity sold for use directly in the actual manufacturing process.

(B) Natural gas and electricity sold for any other purpose shall be subject to the full gross receipts or gross proceeds tax levied under § 26-52-301 and § 26-52-302(a), (b), (c), and (d).

(5) The excise tax levied in this section shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas gross receipts taxes.

(b) For purposes of this section, the term "manufacturer" shall mean a manufacturer classified within sectors 31 through 33 of the North American Industrial Classification System, as in effect on January 1, 2007.

(c) Natural gas and electricity subject to the reduced tax rate levied in this section shall be separately metered from natural gas and electricity used for any other purpose by the manufacturer.

(d) Prior to the sale of natural gas or electricity at the reduced excise tax rate provided in this section, the director may require any seller of natural gas or electricity to obtain a certificate from the consumer, in the form prescribed by the director, certifying that the manufacturer is eligible to purchase natural gas and electricity at the reduced excise tax rate.

(e) The director shall have and be invested with full power and authority to promulgate rules for the proper administration of this section.

(f) The gross receipts or gross proceeds derived from the sale of natural gas and electricity to manufacturers shall continue to be subject to:

- (1) The excise tax levied under the Arkansas Constitution, Amendment 75, § 2; and
- (2) All municipal and county gross receipts taxes.

SECTION 2. Arkansas Code Title 26, Chapter 53, Subchapter 1 is amended to add an additional section to read as follows:

26-53-148. Gas and electricity used in manufacturing.

(a)(1) Beginning July 1, 2007, in lieu of the tax levied in § 26-53-106 and § 26-53-107 (a), (b), (c), and (d), there is levied an excise tax on the sales price of natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process at the rate of four and three-eighths percent (4.375%).

(2) Beginning July 1, 2008, the tax rate imposed in subdivision (a)(1) of this section shall be imposed at the rate of three and seven-eighths percent (3.875%).

(3) The taxes levied in subsection (a) of this section shall be distributed as follows:

(A) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received by the Director of the Department of Finance and Administration shall be deposited as general revenues;

(B) Eight and one-half percent (8.5%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Property Tax Relief Trust Fund; and

(C) Fourteen and nine-tenths percent (14.9%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Educational Adequacy Fund.

(4)(A) The excise tax levied in this section shall apply only to natural gas and electricity purchased for use directly in the actual manufacturing process.

(B) Natural gas and electricity purchased for any other purpose shall be subject to the full compensating use tax levied under § 26-53-106 and § 26-53-107 (a), (b), (c), and (d).

(5) The excise tax levied in this section shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of all other Arkansas compensating use taxes.

(b) For purposes of this section, the term "manufacturer" shall mean a manufacturer classified within sectors 31 through 33 of the North American Industrial Classification System, as in effect on January 1, 2007.

(c) Natural gas and electricity subject to the reduced tax rate levied in this section shall be separately metered from natural gas and electricity used for any other purpose by the manufacturer.

(d) Prior to purchasing any natural gas or electricity at the reduced excise tax rate provided in this section, the director may require any seller of natural gas or electricity to obtain a certificate from the consumer, in the form prescribed by the director, certifying that the manufacturer is eligible to purchase natural gas and electricity at the reduced excise tax rate.

(e) The director shall have and be invested with full power and authority to promulgate rules for the proper administration of this section.

(f) The purchase of natural gas and electricity by manufacturers shall continue to be subject to:

(1) The excise tax levied under the Arkansas Constitution, Amendment 75, § 2; and

(2) All municipal and county compensating use taxes.

SECTION 3. All existing exemptions from the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., for natural gas and electricity used in manufacturing or other purposes that are otherwise provided by law shall continue in full force and effect.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the current sales and use tax on utilities consumed by manufacturers located within this state creates a competitive disadvantage, that this bill is intended to address that problem by providing a reduced tax rate on utilities consumed by manufacturers located in this state, and that this act is immediately necessary to prevent the loss of manufacturing jobs to other states that provide lower taxes on utilities consumed in manufacturing. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate 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 BARBARA HORN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 119 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Miller, **Senate Bill No. 188** was called up for third reading and final disposition.

SENATE BILL NO. 188
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MILLER
BY: REPRESENTATIVES COOPER AND EVERETT

A Bill for an Act to be Entitled: AN ACT TO GIVE MUNICIPAL RECREATION IMPROVEMENT DISTRICTS THE OPTION OF INSTITUTING A FORECLOSURE ACTION TO ATTEMPT TO COLLECT DELINQUENT ASSESSMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 188 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: Altes, Argue, Baker, Bisbee, Bookout, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Womack.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Broadway, Brown, B. Johnson, Wilkinson.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

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. 188 was ordered immediately transmitted to the House as passed.

On motion of Senator Smith, **Senate Bill No. 187** was called up for third reading and final disposition.

**SENATE BILL NO. 187
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH
BY: REPRESENTATIVE SAMPLE**

A Bill for an Act to be Entitled: AN ACT TO GIVE QUORUM COURTS THE ABILITY TO PASS ORDINANCES CONCERNING PRIVATE COMMUNITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 187 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 187 was ordered immediately transmitted to the House as passed.

On motion of Senator Faris, **Senate Bill No. 225** was called up for third reading and final disposition.

SENATE BILL NO. 225
As Engrossed: S2/01/07
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS

A Bill for an Act to be Entitled: AN ACT TO CONTINUE CERTAIN STATE AGENCIES SCHEDULED TO BE ABOLISHED ON JUNE 30, 2007; TO ABOLISH CERTAIN AGENCIES; TO REPEAL CHAPTER 39 OF TITLE 25 OF THE ARKANSAS CODE; AND FOR OTHER PURPOSES.

Senate Bill No. 225 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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	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. 225**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 225 was ordered immediately transmitted to the House.

On motion of Senator Hill, **Senate Bill No. 201** was called up for third reading and final disposition.

SENATE BILL NO. 201
As Engrossed: S2/1/07
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL
BY: REPRESENTATIVE SULLIVAN

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LEASE BETWEEN THE STATE OF ARKANSAS AND THE ARKANSAS LIVESTOCK SHOW ASSOCIATION; TO CLARIFY LEASED PROPERTY BETWEEN THE ARKANSAS LIVESTOCK SHOW ASSOCIATION AND THE ARKANSAS BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

Senate Bill No. 201 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 201 was ordered immediately transmitted to the House as passed.

On motion of Senator Altes, **Senate Bill No. 55** was called up for third reading and final disposition.

SENATE BILL NO. 55
As Engrossed: S1/18/07, S1/31/07
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES
By: REPRESENTATIVES NORTON, MEDLEY, E. BROWN, GLIDEWELL, KEY, M. MARTIN, SCHULTE, WALTERS, WELLS, REYNOLDS, HOYT, MAXWELL, ROSENBAUM & GARNER

A Bill for an Act to be Entitled: AN ACT CONCERNING ADMINISTRATIVE RULES THAT IMPACT SMALL BUSINESS; AND FOR OTHER PURPOSES.

Senate Bill No. 55 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: Altes, Baker, Bookout, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Horn, Laverty, B. Pritchard, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total21

NEGATIVE: Argue, Bryles, Luker, Madison.

Total4

ABSENT OR NOT VOTING: Bisbee, Broadway, Brown, Hill, G. Jeffress, J. Jeffress, B. Johnson, Malone, Miller, Salmon.

Total10

VOTING PRESENT:

Total0

Total number of votes cast25

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

There being an emergency clause attached to **Senate Bill No. 55**, 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: Altes, Baker, Bookout, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Horn, Lavery, B. Pritchard, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total21

NEGATIVE: Argue, Bryles, Luker, Madison.

Total4

ABSENT OR NOT VOTING: Bisbee, Broadway, Brown, Hill, G. Jeffress, J. Jeffress, B. Johnson, Malone, Miller, Salmon.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....25

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause failed to be adopted.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which Emergency Clause on **Senate Bill No. 55** failed to pass was expunged, in accordance with a prevailing motion on February 7, 2007.

Senator Altes moved that the record pertaining to the vote by which Emergency Clause to **Senate Bill No. 55** failed to pass be expunged.

There being an emergency clause attached to **Senate Bill No. 55**, 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: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Capps, Crumbly, Faris, Glover, Hendren, Horn, G. Jeffress, Lavery, Malone, Miller, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total25

NEGATIVE: Argue, Luker, Madison.

Total3

ABSENT OR NOT VOTING: Bryles, Critcher, Hill, J. Jeffress, B. Johnson, B. Pritchard, Salmon.

Total7

VOTING PRESENT:

Total0

Total number of votes cast28

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 55 was ordered immediately transmitted to the House.

On motion of Senator Lavery, **House Bill No. 1216** was called up for third reading and final disposition.

**HOUSE BILL NO. 1216
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES S. PRATER, BERRY & KIDD**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE PROCESS FOR REVIEWING COMPLAINTS CONCERNING SCOPE OF PRACTICE THAT INVOLVE MORE THAN ONE (1) BOARD OF THE HEALING ARTS; AND FOR OTHER PURPOSES.

House Bill No. 1216 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 1216 was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1303** was called up for third reading and final disposition.

**HOUSE BILL NO. 1303
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WELLS
BY: SENATOR HORN**

A Bill for an Act to be Entitled: AN ACT TO AMEND SELECT LAWS FOR FARMERS' MUTUAL AID ASSOCIATIONS OR COMPANIES; TO PERMIT THE INSURANCE COMMISSIONER TO EXTEND THE TIME LIMIT FOR THE ASSOCIATION OR COMPANY TO MEET STATUTORY MINIMUM MEMBERSHIP REQUIREMENTS; TO CLARIFY THAT INDEMNITY REINSURANCE FOR FARMERS' MUTUAL AID ASSOCIATIONS AND COMPANIES SHALL BE PURCHASED AS NECESSARY BASED ON SURPLUS AND RISK LEVELS; AND FOR OTHER PURPOSES.

House Bill No. 1303 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
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. 1303 was ordered immediately returned to the House as passed.

On motion of Senator Faris, House Bill No. 1007 was called up for third reading and final disposition.

HOUSE BILL NO. 1007
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE THYER

A Bill for an Act to be Entitled: AN ACT CONCERNING STIPENDS AWARDED TO MEMBERS OF CERTAIN STATE BOARDS; AND FOR OTHER PURPOSES.

House Bill No. 1007 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

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. 1007 was ordered immediately returned to the House as passed.

On motion of Senator Thompson, House Bill No. 1183 was called up for third reading and final disposition.

HOUSE BILL NO. 1183
 EIGHTY-SIXTH GENERAL ASSEMBLY
 REGULAR SESSION
 BY: REPRESENTATIVES T. BAKER AND OVERBEY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 14-43-506 TO APPLY TO A CITY CLERK, CITY CLERK-TREASURER, OR CITY TREASURER, AS THE CASE MAY BE, IN ORDER TO LESSEN THE LIKELIHOOD OF DUPLICATION AND CONFUSION; AND FOR OTHER PURPOSES.

House Bill No. 1183 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 1183 was ordered immediately returned to the House as passed.

On motion of Senator Taylor, House Bill No. 1302 was called up for third reading and final disposition.

HOUSE BILL NO. 1302
 EIGHTY-SIXTH GENERAL ASSEMBLY
 REGULAR SESSION
 BY: REPRESENTATIVE ABERNATHY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 14-24-204 TO ALLOW COUNTIES TO ISSUE CHECKS IN DUPLICATE FORM; AND FOR OTHER PURPOSES.

House Bill No. 1302 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 1302 was ordered immediately returned to the House as passed.

On motion of Senator Malone, the rules were suspended in considering House Bill No. 1202 at this time.

On motion of Senator Malone, House Bill No. 1202 was placed back on second reading for purpose of Amendment No.1.

ARKANSAS SENATE
 EIGHTY-SIXTH GENERAL ASSEMBLY
 REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1202

Amend House Bill No. 1202 as engrossed, H1/25/07:

Add Senators Capps, Faris, Hill and Glover as co-sponsors of the bill

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1202 was ordered engrossed.

On motion of Senator Womack, **Senate Bill No. 126** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 126

Amend **Senate Bill No. 126** as originally introduced:

Page 2, Line 2 Delete "PPTB - BOARD CHAIRMAN" and substitute "PB - BOARD CHAIRMAN"

AND

Page 2, Line 3 Delete "PPTB - BOARD MEMBER" and substitute "PB - BOARD MEMBER"

AND

Page 2, Line 4 Delete "PPTB - HEARING EXAMINER" and substitute "PB - HEARING EXAMINER"

(SIGNED) SENATOR SHAWN A. WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 126 was ordered engrossed.

On motion of Senator Womack, the Senate resolved itself into the Committee of the Whole for the purpose of JOINT BUDGET Bills.

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

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 48 at this time.

On motion of Senator Womack, Senate Bill No. 48 was called up for third reading and final disposition.

SENATE BILL NO. 48
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 SOCIAL WORK LICENSING BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 48 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total	0
Total number of votes cast.....	35
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 **Senate Bill No. 48**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 48 was ordered immediately transmitted to the House.

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 49 at this time.

On motion of Senator Womack, Senate Bill No. 49 was called up for third reading and final disposition.

SENATE BILL NO. 49
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 STATE BOARD OF PHYSICAL THERAPY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 49 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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	27

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. 49**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 49 was ordered immediately transmitted to the House.

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 51 at this time.

On motion of Senator Womack, Senate Bill No. 51 was called up for third reading and final disposition.

SENATE BILL NO. 51
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 STATE BOARD OF MASSAGE THERAPY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 51 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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 bill27

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. 51**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35
 Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 51 was ordered immediately transmitted to the House.

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 56 at this time.

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

SENATE BILL NO. 56
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 STATE BOARD OF DENTAL EXAMINERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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	27

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. 56**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 56 was ordered immediately transmitted to the House.

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 61 at this time.

On motion of Senator Womack, Senate Bill No. 61 was called up for third reading and final disposition.

SENATE BILL NO. 61
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 PSYCHOLOGY BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Senate Bill No. 61 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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	27

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. 61**, 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: Altes, Argue, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Crumbly, Faris, Glover, Hendren, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkins, Wilkinson, Womack.

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. 61 was ordered immediately transmitted to the House.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 2
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS WILKINSON AND LAVERTY
BY: REPRESENTATIVE OVERBEY

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. DENNIS DUANE STEELE AND IN RECOGNITION OF HIS CONTRIBUTIONS TO HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 2 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 274
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BRYLES

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE TITLE 6 CONCERNING PUBLIC EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 274 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE CONCURRENT RESOLUTION NO. 1007
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SAMPLE
BY: SENATOR T. SMITH

HOUSE CONCURRENT RESOLUTION NO. 1007 CONGRATULATING THE JESSIEVILLE LIONS ON THEIR 2006 CLASS AA STATE FOOTBALL CHAMPIONSHIP.

House Concurrent Resolution No. 1007 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES BLOUNT, E. BROWN, CHESTERFIELD, DAVIS,
ALLEN, T. BAKER, S. DOBBINS, FLOWERS. HARDY, W. LEWELLEN & RAINEY
BY: SENATORS STEELE, BROWN, CRUMBLY & WILKINS

A Bill for an Act to be Entitled: IN RESPECTFUL MEMORY OF MR. JOHN A. EASON AND IN RECOGNITION OF HIS CONTRIBUTION TO THE STATE OF ARKANSAS.

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

HOUSE BILL NO. 1128
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT A PURPLE HEART RECIPIENT MAY RECEIVE AN ADDITIONAL SPECIAL LICENSE PLATE FOR A NOMINAL FEE; AND FOR OTHER PURPOSES.

House Bill No. 1128 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

HOUSE BILL NO. 1323
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE D. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE ARKANSAS STATE MEDICAL BOARD, THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS, OR THE ARKANSAS STATE BOARD OF OPTOMETRY TO DISCIPLINE LICENSEES OF THE RESPECTIVE BOARD IF THE LICENSEE HAS BEEN FOUND IN VIOLATION OF A STATUTE OR REGULATION GOVERNING THE RESPECTIVE PROFESSION IN ANOTHER STATE; AND FOR OTHER PURPOSES.

House Bill No. 1323 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

HOUSE BILL NO. 1363
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE §§ 20-10-1402 AND 20-10-1403 TO ENHANCE THE QUALITY OF CARE OF LONG-TERM CARE FACILITY RESIDENTS BY CREATING STAFFING STANDARDS FOR THOSE NURSING FACILITIES DESIGNATED OR CERTIFIED AS EDEN ALTERNATIVE OR GREEN HOUSE PROJECT NURSING FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1363 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

HOUSE BILL NO. 1364
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE §§ 20-10-209 TO PROVIDE FUNDING FOR PROGRAMS TO ENHANCE THE QUALITY OF LIFE OF LONG-TERM CARE FACILITY RESIDENTS; AND FOR OTHER PURPOSES.

House Bill No. 1364 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

HOUSE BILL NO. 1383
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES WOOD AND WALTERS

A Bill for an Act to be Entitled: AN ACT TO ENSURE THAT VETERANS OF OPERATION ENDURING FREEDOM ARE ELIGIBLE FOR A SPECIAL LICENSE PLATE AND RENEWAL FOR A NOMINAL FEE LIKE OTHER VETERANS; TO INCORPORATE THE LAW REGARDING OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM INTO THE SPECIAL LICENSE PLATE ACT OF 2005, § 27-24-101 ET SEQ.; TO ALLOW A PERSON WHO PAID THE FEE FOR THE OPERATION ENDURING FREEDOM SPECIAL LICENSE PLATE TO BE REFUNDED THAT FEE; AND FOR OTHER PURPOSES.

House Bill No. 1383 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE BILL NO. 119, BY SENATOR HORN, 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) HENRY "HANK" WILKINS, IV
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

HOUSE BILL NO. 1179, BY SENATOR OVERBEY, et al,
HOUSE BILL NO. 1202, BY REPRESENTATIVE THYER, et al,
HOUSE BILL NO. 1320, BY REPRESENTATIVE RAGLAND,

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

Respectfully submitted,

(SIGNED) HENRY "HANK" WILKINS, IV
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

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

SENATE BILL NO. 126, BY JOINT BUDGET COMMITTEE,

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 WOMACK, **SENATE Bill No. 126** was ordered re-referred to the Committee on JOINT BUDGET.

HOUSE BILL NO. 1077
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 BOARD OF HEARING INSTRUMENT DISPENSERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1077 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1105
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 DIETETICS LICENSING BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1105 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1116
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 VETERINARY MEDICAL EXAMINING BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1116 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1117
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 STATE BOARD OF CHIROPRACTIC EXAMINERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1117 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1119
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 MANUFACTURED HOME COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1119 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1149
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 AUCTIONEERS LICENSING BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

House Bill No. 1149 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1371
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 OIL AND GAS COMMISSION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 910 OF 2005; AND FOR OTHER PURPOSES.

House Bill No. 1371 was read the first time, rules suspended, read the second time and placed on the Calendar.

Senate Concurrent Resolution No. 3 was returned from the House as concurred in and ordered enrolled.

Senate Bill No. 176 was returned from the House as passed and ordered enrolled.

SENATE JOINT RESOLUTION NO. 11
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES

A Bill for an Act to be Entitled: AMENDING THE ARKANSAS CONSTITUTION CONCERNING RESIDENCY REQUIREMENTS FOR PUBLIC OFFICIALS; AMENDING THE ARKANSAS CONSTITUTION TO PROVIDE THAT A PERSON IS A RESIDENT OF THE STATE OR A DISTRICT, COUNTY, OR MUNICIPALITY IF HE OR SHE OWNS OR RENTS A RESIDENCE WITHIN THE STATE, DISTRICT, COUNTY, OR MUNICIPALITY FOR AT LEAST ONE (1) YEAR BEFORE FILING AS A CANDIDATE AND SLEEPS AT THE RESIDENCE AT LEAST THREE (3) NIGHTS PER WEEK FOR AT LEAST FORTY (40) OF THE FIFTY-TWO (52) WEEKS PRECEDING HIS OR HER FILING AS A CANDIDATE; AND PROVIDING THAT A VACANCY SHALL EXIST IF A PERSON ELECTED TO A STATE, DISTRICT, COUNTY, OR MUNICIPAL OFFICE CEASES TO BE A RESIDENT OF THE STATE, DISTRICT, COUNTY, OR MUNICIPALITY DURING HIS OR HER TERM OF OFFICE.

Subtitle

AMENDING THE ARKANSAS CONSTITUTION CONCERNING RESIDENCY REQUIREMENTS FOR PUBLIC OFFICIALS.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Article 19 of the Arkansas Constitution is amended to add an additional section to read as follows:

§ 28. Residency for purpose of election and service in office.

(a) A candidate for election to a state, district, county, or municipal office created by this constitution or by Arkansas law shall be considered a resident for the purposes of existing Arkansas law of the state, district, county, or municipality to which he or she seeks election if he or she:

(1) For at least one (1) year before filing as a candidate, owns or rents a residence in the respective state, district, county, or municipality that he or she seeks to be elected to serve; and

(2) Sleeps at the residence at least three (3) nights per week for at least forty (40) of the fifty-two (52) weeks preceding his or her filing as a candidate.

(b) If a person elected to a state, district, county, or municipal office fails to satisfy the residency criteria under subsection (a) of this section at any point during his or her term of office, the office shall be considered vacant and shall be filled by the method specified in this constitution or Arkansas law for vacancies in the respective office.

SECTION 2. This amendment becomes effective January 1, 2009.

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.

SENATE JOINT RESOLUTION NO. 12
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: TO PROPOSE A CONSTITUTIONAL AMENDMENT TO REVISE THE DUTIES, LIMITATIONS, AND PRIVILEGES OF THE LEGISLATIVE BRANCH BY AMENDING OR REPEALING VARIOUS SECTIONS OF ARTICLE 5 OF THE ARKANSAS CONSTITUTION AND RELATED AMENDMENTS TO THE ARKANSAS CONSTITUTION; TO REQUIRE THE GENERAL ASSEMBLY TO MEET IN REGULAR SESSION DURING ODD-NUMBERED YEARS AND IN A LIMITED FISCAL SESSION DURING EVEN-NUMBERED YEARS TO CONSIDER APPROPRIATION BILLS; TO SPECIFY THE VOTE REQUIRED TO EXTEND A REGULAR SESSION OR A FISCAL SESSION OF THE GENERAL ASSEMBLY; TO ALLOW THE GENERAL ASSEMBLY TO CALL ITSELF INTO SPECIAL SESSION; TO ESTABLISH THE LENGTH OF SESSIONS; TO REDUCE THE PERIOD FOR WHICH APPROPRIATION BILLS ARE VALID FROM TWO (2) YEARS TO ONE (1) FISCAL YEAR; TO REVISE THE RESTRICTIONS CONCERNING MEMBERS OF THE GENERAL ASSEMBLY BEING APPOINTED OR ELECTED TO A CIVIL OFFICE; TO IMPOSE A NEW RESTRICTION ON THE GENERAL ASSEMBLY'S ABILITY TO INCREASE GROSS RECEIPTS TAXES OR GROSS PROCEEDS TAXES OR COMPENSATING USE TAXES; TO AUTHORIZE THE GENERAL ASSEMBLY TO PASS SPECIAL OR LOCAL APPROPRIATION ACTS IF THE APPROPRIATION FURTHERS A STATE INTEREST AND THE APPROPRIATION IS APPROVED BY A VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY; TO REPEAL ARTICLE 5, § 26 OF THE ARKANSAS CONSTITUTION, WHICH IS OBSOLETE AND WAS SUPERSEDED BY AMENDMENT 14 IN 1926; AND TO MAKE CONFORMING AMENDMENTS TO REFLECT THE CHANGES PROPOSED IN THIS AMENDMENT.

Subtitle

TO PROPOSE A CONSTITUTIONAL AMENDMENT TO REVISE THE DUTIES, LIMITATIONS, AND PRIVILEGES OF THE LEGISLATIVE BRANCH.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Section 5 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 5. ~~Time of meeting~~ Regular, fiscal, and special sessions.

(a) ~~The General Assembly shall meet at the seat of government every two years, on the first Tuesday after the second Monday in November, until said time be altered by law~~ year.

(b) The General Assembly shall meet in regular session on the second Monday in January of each odd-numbered year to consider any bill or resolution. The General Assembly may alter the time at which the regular session begins.

(c)(1) Beginning in 2010, the General Assembly shall meet in fiscal session on the second Monday in February of each even-numbered year to consider only appropriation bills. The General Assembly may alter the time at which the fiscal session begins.

(2) A bill other than an appropriation bill may be considered in a fiscal session if two-thirds (2/3) of the members of each house of the General Assembly approve consideration of the bill.

(d) The General Assembly may call itself into special session upon a petition by at least two-thirds (2/3) of the members of each House. Upon receiving a petition from the members of their House, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall call the General Assembly into special session by a joint proclamation. A special session called by the General Assembly shall not exceed fifteen (15) calendar days.

SECTION 2. Section 10 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 10. Members ineligible to civil office.

No Senator or Representative shall, during the term for which he or she shall have been elected, be appointed or elected to any civil office under this State, unless:

(1) He or she resigns as a Senator or Representative prior to assuming the duties of the civil office; or

(2) The Senator or Representative does not accept a salary or stipend for service in the civil office, and the civil office is a part-time elective office of a city, county, or school district.

SECTION 3. Section 17 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 17. Duration of sessions.

~~The regular biennial sessions, shall not exceed sixty days in duration; unless by a vote of two-thirds of the members elected to each house of said General Assembly.~~

(a) A regular biennial session shall not exceed sixty (60) calendar days in duration, unless extended by a vote of two-thirds (2/3) of the members elected to each house of the General Assembly. The regular biennial session shall not exceed seventy-five (75) calendar days in duration, unless extended by a vote of three-fourths (3/4) of the members elected to each house of the General Assembly.

(b) A fiscal session shall not exceed thirty (30) calendar days in duration, except that by a vote of three-fourths (3/4) of the members elected to each house of the General Assembly. A fiscal session may be extended one (1) time by no more than fifteen (15) calendar days.

(c) Provided, that this section shall not apply to the first session of the General Assembly under this Constitution, or when impeachments are pending.

SECTION 4. Section 26 of Article 5 of the Arkansas Constitution, which was superseded by Amendment 14, is repealed.

~~§ 26. Notice of local or special bills.~~

~~No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided~~

~~by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.~~

SECTION 5. Section 29 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 29. Appropriations.

No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations made by the General Assembly after December 31, 2008, shall be for a longer period than ~~two years~~ one (1) fiscal year.

SECTION 6. Section 34 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 34. Introduction of bills - Time limit.

No new bill shall be introduced into either house during the last three (3) days of the a regular session or a fiscal session.

SECTION 7. Section 38 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 38. Taxes - Increase - Approval by electors.

§ 2. (a) None of the rates for property, excise, privilege or personal taxes, now levied shall be increased by the General Assembly except after the approval of the qualified electors voting thereon at an election, or in case of emergency, by the votes of three-fourths (3/4) of the members elected to each House of the General Assembly.

(b) The General Assembly shall not increase the rate of any gross receipts tax or gross proceeds tax or compensating use tax levied by the state, except after the approval of the qualified electors voting thereon at an election, or in case of emergency, by the votes of three-fourths (3/4) of the members elected to each house of the General Assembly.

SECTION 8. Section 39 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 39. State expenses - Limitation - Exceptions.

§ 3. Excepting monies raised or collected for educational purposes, highway purposes, to pay Confederate pensions and the just debts of the State, the General Assembly is hereby prohibited from appropriating or expending more than the sum

of Two and One-Half Million Dollars for all purposes, for any ~~biennial period~~ fiscal year; provided the limit herein fixed may be exceeded by the votes of three-fourths of the members elected to each House of the General Assembly. [As added to Art. 5 by Const. Amend. 19.]

SECTION 9. Section 40 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 40. General appropriation bill - Enactment.

§ 4. In making appropriations for any ~~biennial period~~ fiscal year, the General Assembly shall first pass the General Appropriation Bill provided for in Section 30 of Article 5 of the Constitution, and no other appropriation bill may be enacted before that shall have been done. [As added to Art. 5 by Const. Amend. 19.]

SECTION 10. Amendment 14 to the Arkansas Constitution is amended to read as follows:

Local or special acts prohibited — Rights to repeal acts by legislature.

(a) The General Assembly shall not pass any local or special act, except as provided by this amendment.

(b) The General Assembly may pass special acts or local appropriation acts if the General Assembly determines that the appropriation furthers a state interest and the appropriation is approved by a vote of three-fourths (3/4) of the members elected to each House of the General Assembly.

(c) This amendment shall not prohibit the repeal of local or special acts.

SECTION 11. Section 7 of Amendment 35 to the Arkansas Constitution, concerning the Arkansas State Game and Fish Commission, is amended to read as follows:

§ 7. Executive secretary and other personnel - Selection - Salaries and expenditures.

The Commission shall elect an Executive Secretary, whose salary shall not exceed that of limitations placed on other constitutional departments; and other executive officers, supervisor, personnel, office assistants, wardens, game refuge keepers, and hatchery employees, whose salaries and expenditures must be submitted to the Legislature and approved by an Act covering specific items in the ~~biennial~~ appropriation as covered by Article XVI Section 4 of the Constitution.

SECTION 12. This amendment shall become effective on January 1, 2009.

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.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 7, 2007

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, to whom was referred:

HOUSE BILL NO. 1182, BY REPRESENTATIVE T. BAKER,
HOUSE BILL NO. 1307, BY REPRESENTATIVE PIERCE,

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

Respectfully submitted,

(SIGNED) SENATOR HENRY "HANK" WILKINS IV
CHAIRMAN

SENATE JOINT RESOLUTION BILL NO. 13
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BRYLES

A Bill for and Act to be Entitled: PROPOSING AN AMENDMENT TO SUBSECTION (a) OF SECTION 2 OF AMENDMENT 73 TO THE ARKANSAS CONSTITUTION CONCERNING TERM LIMITS FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Subtitle

PROPOSING AN AMENDMENT TO SUBSECTION (a) OF SECTION 2 OF AMENDMENT 73 TO THE ARKANSAS CONSTITUTION CONCERNING TERM LIMITS FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Subsection (a) of Section 2 of Amendment 73 to the Arkansas Constitution is amended to read as follows:

(a)(1) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

(2)(A) No member of the Arkansas House of Representatives may serve more than three such two year terms. This provision applies through December 31, 2012.

(B) Beginning January 1, 2013, no member of the Arkansas House of Representatives may serve more than five such two year terms.

Senate Joint Resolution No. 13 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE JOINT RESOLUTION NO. 14
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HENDREN

SENATE JOINT RESOLUTION NO. 14 PROPOSING AN AMENDMENT TO AMENDMENT 14 OF THE ARKANSAS CONSTITUTION AUTHORIZING THE GENERAL ASSEMBLY TO PASS SPECIAL OR LOCAL APPROPRIATION ACTS, IF THE APPROPRIATION FURTHERS A STATE INTEREST AND THE APPROPRIATION IS APPROVED BY A VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS ELECTED TO EACH HOUSE OF THE GENERAL ASSEMBLY; AND REPEALING ARTICLE 5, § 26 OF THE ARKANSAS CONSTITUTION, WHICH IS OBSOLETE AND WAS SUPERSEDED BY AMENDMENT 14 IN 1926.

Subtitle

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARKANSAS AUTHORIZING THE GENERAL ASSEMBLY TO PASS SPECIAL OR LOCAL APPROPRIATION ACTS THAT FURTHER A STATE INTEREST; AND TO REPEAL OBSOLETE LANGUAGE.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SIXTH 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 a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Amendment 14 to the Arkansas Constitution is amended to read as follows:

(a) The General Assembly shall not pass any local or special act, ~~except as provided by this amendment.~~

(b) The General Assembly may pass special or local appropriation acts, if the General Assembly determines that the appropriation furthers a state interest and the appropriation is approved by a vote of three-fourths (3/4) of the members elected to each House of the General Assembly.

(c) This amendment shall not prohibit the repeal of local or special acts.

SECTION 2. Article 5, § 26 of the Arkansas Constitution, which was superseded by Amendment 14, is repealed.

~~§ 26. Notice of local or special bills.~~

~~No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.~~

SECTION 3. This amendment shall become effective on January 1, 2009.

Senate Joint Resolution No. 14 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

- SENATE BILL NO. 48
- SENATE BILL NO. 49
- SENATE BILL NO. 51
- SENATE BILL NO. 55
- SENATE BILL NO. 56
- SENATE BILL NO. 61
- SENATE BILL NO. 187
- SENATE BILL NO. 188
- SENATE BILL NO. 201
- SENATE BILL NO. 225

SENATE CONCURRENT MEMORIAL RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT MEMORIAL RESOLUTION 1

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

- HOUSE BILL NO. 1007
- HOUSE BILL NO. 1183
- HOUSE BILL NO. 1216
- HOUSE BILL NO. 1302
- HOUSE BILL NO. 1303

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 176

SENATE CONCURRENT RESOLUTION RETURNED FROM THE HOUSE
AS CONCURRED IN

SENATE CONCURRENT RESOLUTION 3

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1077
HOUSE BILL NO. 1105
HOUSE BILL NO. 1116
HOUSE BILL NO. 1117
HOUSE BILL NO. 1119
HOUSE BILL NO. 1128
HOUSE BILL NO. 1149
HOUSE BILL NO. 1323
HOUSE BILL NO. 1363
HOUSE BILL NO. 1364
HOUSE BILL NO. 1371
HOUSE BILL NO. 1383

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1007

HOUSE CONCURRENT MEMORIAL RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001

On motion of Senator Whitaker, the Senate adjourned until 11:00 a.m.,
Thursday, February 8, 2007.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE