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

Little Rock, Arkansas
March 8, 2011

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

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

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

The Senate was led in prayer by Pastor Brian Bowerman, Unity Covenant Church, West Fork, Arkansas.

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

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

On motion of Senator Holland, the Senate resolved itself into the Committee of the Whole for the purpose of welcoming Alyse Eady, Miss Arkansas and first runner-up in Miss America Contest of 2011.

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

On motion of Senator Holland the Senate recessed until 1:55 p.m.

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

On motion of Senator Hutchinson, **Senate Bill No. 305** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to SENATE BILL NO. 305

Amend **Senate Bill No. 305** as engrossed, S3/7/11:

Page 4, delete line 31 and substitute:
"The bonds shall be payable"

AND

Page 13, delete line 18 and substitute:
"officials under this subchapter.

SECTION 2. Arkansas Code § 11-10-802 is amended to add a new subsection to read as follows:

(d) Moneys coming into the Unemployment Compensation fund, in repayment of any bond issued upon approval by the voters of the Unemployment Trust Fund Financing Act of 2011, § 11-10-1001 et seq., shall be deposited into the clearing account and distributed as follows:

(1) First for the repayment of the bonded debt, all expenses related to the bond issue, and all interest owing on such bonds; and

(2) Second to the Federal Unemployment Trust Fund for credit to the State of Arkansas."

AND

Appropriately renumber the sections of the bill

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 305 was ordered engrossed.

On motion of Senator Sample, **Senate Bill No. 767** was withdrawn from the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 767

Amend **Senate Bill No. 767** as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 27-50-1204(f), concerning penalties, is amended to add an additional subdivision to read as follows:

(f)(1) A penalty assessed by the board shall be paid no later than fifteen (15) days after the conclusion of the appeals process under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) If not paid timely, a license or permit issued by the Arkansas Towing and Recovery Board may be suspended until the penalty is paid.

(3)(A) If an entity or individual fails to pay a fine or an installment payment as provided under subdivision (f)(1) of this section, the Arkansas Towing and Recovery Board may provide written notice to the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration of the failure to pay.

(B) The notice of the failure to pay a fine ordered by the Arkansas Towing and Recovery Board shall contain the following information:

(i) The name of the entity or individual that is subject to the fine;

(ii) The vehicle identification number or other identifying information for the vehicle owned by the entity or individual that is the subject of the fine;

(iii) The date the board imposed the fine;

(iv) The amount of the fine;

(v) The date the fine or installment payment became delinquent; and

(vi) The amount of the fine or installment payments that remain delinquent.

(C) Upon receipt of the notice of the failure to pay a fine or installment payment, the Office of Motor Vehicle shall suspend the tow vehicle license plate issued under § 27-14-601(a)(3)(J)(i) and the vehicle's registration.

(D) A suspension under subdivision (f)(3) of this section for failure to pay a fine ordered by the Arkansas Towing and Recovery Board shall remain in effect until the Office of Motor Vehicle receives written notice from the Arkansas Towing and Recovery Board that the fine has been paid."

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 767 was ordered engrossed.

On motion of Senator Pritchard, **Senate Bill No. 794** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 794

Amend **Senate Bill No. 794** as originally introduced:

Add Senators B. Pritchard, G. Baker, Bledsoe, Burnett, J. Dismang, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, Rapert, Whitaker, E. Williams as cosponsors of the bill

AND

Add Representatives Baird, Barnett, Bell, Benedict, Biviano, Branscum, J. Burris, Carnine, Clemmer, Collins, Dale, Deffenbaugh, English, Harris, Hickerson, Hopper, Hubbard, King, Lea, Leding, Linck, S. Malone, Patterson, Pennartz, Pierce, Rice, Sanders, Slinkard, Stewart, Westerman, B. Wilkins, Woods as cosponsors of the bill

AND

Page 2, delete lines 11 through 13 and substitute the following:
"and the Treasurer of State fifteen percent (15%) of those moneys to the Drug Abuse Prevention and Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used exclusively for drug court or other substance abuse and prevention activities."

AND

Delete SECTION 2 of the bill in its entirety

(SIGNED) SENATOR BILL PRITCHARD

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 794 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 305, BY SENATOR JEREMY HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Hutchinson, **Senate Bill No. 305** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 767, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Sample, **Senate Bill No. 767** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 794, BY SENATOR BILL PRITCHARD,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Pritchard, **Senate Bill No. 794** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 701, BY SENATOR ROBERT THOMPSON,

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 JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

HOUSE BILL NO. 1286, BY REPRESENTATIVE TONI BRADFORD,
HOUSE BILL NO. 1413, BY REPRESENTATIVE TIFFANY ROGERS,

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

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 720, BY SENATOR JONATHAN DISMANG,

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

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 66, BY SENATOR JIMMY JEFFRESS,

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

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

HOUSE BILL NO. 1244, BY REP. HENRY "HANK" WILKINS IV,
HOUSE BILL NO. 1416, BY REP. FRED ALLEN,
HOUSE BILL NO. 1525, BY REP. BOBBY J. 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 JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 315, BY SENATOR MARY ANNE SALMON,
SENATE BILL NO. 708, BY SENATOR MARY ANNE SALMON,

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 SUE MADISON
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 20, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 32, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 70, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 71, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 72, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 83, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 107, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 179, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 263, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 312, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 335, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 379, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 496, BY SENATOR JONATHAN DISMANG,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:25 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) LINDA CHESTERFIELD
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 20
SENATE BILL NO. 32
SENATE BILL NO. 70
SENATE BILL NO. 71
SENATE BILL NO. 72
SENATE BILL NO. 83
SENATE BILL NO. 107
SENATE BILL NO. 179
SENATE BILL NO. 263
SENATE BILL NO. 312
SENATE BILL NO. 335
SENATE BILL NO. 379
SENATE BILL NO. 496

RECEIVED the above papers from the Secretary of the Senate this 8th day of
March, 2011 at 9:25 a.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) Rebecca Raines
Secretary

STATE OF ARKANSAS

Mike Beebe

Governor

March 8, 2011

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on March 8, 2011, I approved the following measures from the Regular Session of the Eighty-Eighth General Assembly:

SENATE BILL NO. 69 – ACT 198
SENATE BILL NO. 160 – ACT 199
SENATE BILL NO. 168 – ACT 200
SENATE BILL NO. 182 – ACT 201
SENATE BILL NO. 302 – ACT 202
SENATE BILL NO. 334 – ACT 203
SENATE BILL NO. 384 – ACT 208

Sincerely,

(SIGNED) MIKE BEEBE

On motion of Senator J. Jeffress, [Senate Bill No. 816](#) was withdrawn from the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, and placed on the Calendar.

On motion of Senator J. Jeffress, [Senate Bill No. 816](#) was ordered re-referred to the Committee on JOINT ENERGY.

On motion of Senator J. Jeffress, [Senate Bill No. 823](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed on the Calendar.

On motion of Senator J. Jeffress, [Senate Bill No. 823](#) was ordered re-referred to the Committee on JOINT ENERGY.

On motion of Senator Thompson, [Senate Bill No. 888](#) was withdrawn from the Committee on EDUCATION, and placed on the Calendar.

On motion of Senator Thompson, [Senate Bill No. 888](#) was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Elliott, [Senate Resolution No. 22](#) was called up for third reading and final disposition.

SENATE RESOLUTION NO. 22
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ELLIOTT

SENATE RESOLUTION SUPPORTING THE TEACHING OF
GEOGRAPHY IN OUR SCHOOLS.

[Senate Resolution No. 22](#) was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Teague, [Senate Bill No. 803](#) was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 803](#)

Amend [Senate Bill No. 803](#) as originally introduced:

Page 1, delete everything after the enacting clause and substitute the following:
"SECTION 1. Arkansas Code § 20-21-217 is amended to read as follows:
20-21-217. Licensing and registration requirements — Compliance with standards — Fees.

(a) In licensing and regulation of radioactive material or of any activity which results in the production of radioactive materials so defined, the State Radiation Control Agency shall require compliance with applicable standards promulgated by the agency which are equivalent to or more stringent than standards adopted and enforced by the Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the Environmental Protection Agency.

(b) ~~The~~ Until the State Board of Health promulgates rules under subsection (d) of this section, the agency may charge and collect the following annual fees associated with licensing and registration of sources of ionizing radiation:

- (1) Hospitals or medical centers:
 - (A) Category I-A \$900.00
 - (B) Category I-B 700.00
 - (C) Category II-A 650.00
 - (D) Category II-B 450.00
 - (E) Category III 200.00

- (2) ~~X-ray registrations:~~
 - (A) ~~All X-ray units, \$65.00 per tube up to a maximum of \$260.00~~
 - (B) ~~Vendor services providing radiation equipment services or radiation safety services, or both 65.00~~

- (3) Radioactive material licenses:
 - (A) Private practice, other than teletherapy units or particle accelerators \$100.00
 - (B) Radiography:
 - (i) In plant 350.00 for first bay 500.00 for two (2) or more bays
 - (ii) Field 1,000.00
 - (C) Wireline service operation 300.00 for 1 to 3 sources 500.00 for 4 or more sources
 - (D) Academic:
 - (i) Broad 500.00
 - (ii) Other 200.00
 - (E) Gas chromatograph devices and lead analyzers 100.00
 - (F) Nuclear gauges 300.00 for 1 to 5 gauges 500.00 for 6 or more gauges
 - (G) Particle accelerators, nonmedical 200.00
 - (H) In vitro laboratory testing 25.00
 - (I) Irradiators 1,000.00
 - (J) Nuclear pharmacy 1,000.00
 - (K) Mobile nuclear medicine service 1,200.00
 - (L) Consultants 250.00

(4) (3) General licensed devices: Initial registration and annual fees for the receipt, possession, or use of radioactive material under a general license or a license obtained through reciprocity, as defined by the agency, shall be as follows:

- (A) Certain measuring, gauging, and controlling devices \$300.00
- (B) Generally licensed gas chromatographs 200.00
- (C) Static elimination devices 100.00
- (D) Source material devices 500.00
- (E) Devices containing depleted uranium 500.00
- (F) Public safety devices containing radioactive material 50.00
- (G) All other general license registrations other than those specified above 150.00

~~(5)~~ (4) Other:

- (A) Medical, therapy, nonhospital unit \$250.00 for first unit 175.00 for each additional unit
- (B) Particle accelerator medical, nonhospital unit 450.00 for first unit 300.00 for each additional unit
- (C) "Arkansas State Board of Health Rules and Regulations for Control of Sources of Ionizing Radiation" 0.00 for first copy 30.00 for each additional copy
- (D) Naturally occurring radioactive material license 2,500.00
- (E) Amendment to existing license 50.00 per amendment

~~(6)~~ (5) Reciprocity:

- (A) Naturally occurring radioactive material \$2,500.00
- (B) Radiography, field 1,000.00
- (C) Wireline 500.00
- (D) Nuclear gauge 500.00
- (E) Consultant 100.00

~~(7)~~ (6) Late fees: A late fee equal to ten percent (10%) of the applicable fee shall be charged for fees not received within sixty (60) days of the invoiced due date and for every sixty (60) days thereafter.

(c) The State Radiation Control Agency may charge and collect the following annual fees associated with X-ray registrations:

(1) All X-ray units, \$65.00 per tube up to a maximum of \$260.00

(2) Vendor services providing radiation equipment services or radiation safety services, or both 65.00.

(d)(1) For the fees under subsection (b) of this section, the board shall adopt rules to establish fees at a level to sustain operations of the State Radiation Control Agency's mandated programs.

(2) The fees shall not:

(A) Conflict with federal program schedules; or

(B) Exceed twenty-five percent (25%) of the fees that would be levied by the United States Nuclear Regulatory Commission if the commission were to regulate the State Radiation Control Agency's mandated programs.

(e) Each application for reciprocal recognition of an out-of-state license or of an out-of-state registration shall be accompanied by the applicable annual fee, provided that no fee has been submitted during the calendar year of the application.

~~(d)(1)~~ (f)(1) The annual fee shall be based upon the calendar year, January 1 through December 31, with fees for any given year due by December 31 of the previous year.

(2) Applications for new licenses or registrations shall be accompanied by the appropriate fees. The applicants shall be charged for a full calendar year regardless of the month the license or registration is issued.

(3) Applications for amendments to licenses or registration certificates which result in a change to a more costly category shall be accompanied by a fee equal to the difference between the fee for the current category and the one to which the amended license or certificate will escalate.

(4) Fee payments shall be by check, draft, or money order made payable to the ~~Division of Health of the~~ Department of Health and Human Services.

(5) In any case in which the agency finds that an applicant for a new license or new certificate of registration has failed to pay the fee prescribed in this section, the agency shall not process that application until the fee is paid.

(6) In any case in which the agency finds that a person has failed to pay a fee prescribed by this section within ninety (90) days of the date due, the agency may issue an order to show cause why that registration, license, or other service should not be revoked, suspended, or terminated, as appropriate.

~~(e)~~ (g) ~~No annual~~ Annual fees shall not be required for those applicants, licensees, registrants, or other applicable persons whose use of sources of radiation is certified as financed solely by the General Revenue Fund of the State of Arkansas.

~~(f)~~ (h) All fees levied and collected under this section are declared to be special revenues and shall be deposited into the State Treasury, there to be credited to the Public Health Fund.

~~(g)~~ (i) Subject to the rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the ~~division~~ department may transfer all unexpended funds relative to licensing and registration for use of radioactive materials and X-ray equipment that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year."

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 803 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 625** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 625**

Amend **Senate Bill No. 625** as originally introduced:

Page 8, delete lines 5-7 and substitute the following language:

"(c)(1) Other changes in placement shall be made only after notification to the:"

AND

Page 8, delete line 15 and substitute the following language:
"change in placement unless the current placement is a temporary placement under subdivision (d)(1) of this section;"

AND

Page 8, delete lines 24-26 and substitute the following language:
"(d)(1) Exceptions to the advance notice requirement shall be made if the:
(A) Health or welfare of the child would be endangered by
delaying a change in placement; or
(B) Child is placed in a placement intended to be temporary
until a stable placement can be located for the child in accordance with department
policy."

AND

Page 13, line 10, delete "an accredited" and substitute "a"

AND

Page 37, line 28, delete "this" and substitute "~~this~~ § 9-28-114."

AND

Page 37, delete line 29

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 625 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 626** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 626

Amend **Senate Bill No. 626** as originally introduced:

Page 6, line 9, delete "any party" and substitute "the court or any party"

AND

Page 6, line 21, delete "upon the attorney when a party is represented by an attorney"

AND

Page 6, delete line 22 and substitute the following language:

"under Rule 5 of the Arkansas Rules of Civil Procedure-, except:

(i) Service shall be made as required under Rule 4 of the Arkansas Rules of Civil Procedure if the:

(a) Parent was not served under Rule 4 of the Arkansas Rules of Civil Procedure at the initiation of the proceeding;

(b) Parent is not represented by an attorney; or

(c) Initiation of the proceeding was more than two

(2) years ago; or

(ii) When the court orders service of the petition to terminate parental rights as required under Rule 4 of the Arkansas Rules of Civil Procedure."

AND

Page 6, delete lines 27-31

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 626 was ordered engrossed.

On motion of Senator Luker, [Senate Bill No. 750](#) was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 750](#)

Amend [Senate Bill No. 750](#) as originally introduced:

Page 22, delete lines 23 and 24 and substitute:

"(B) The property is a firearm valued at less than two thousand five hundred dollars (\$2,500);

AND

Page 51, delete Section 48 and substitute the following:

"SECTION 48. Arkansas Code Title 5, Chapter 64, Subchapter 4 is amended to add a new section to read as follows:

5-64-424. Possession of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with the purpose to deliver.

(a) Except as provided in this chapter, it is unlawful if a person possesses a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine with the purpose to deliver the Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine. Purpose to deliver may be shown by any of the following factors:

(1) The person possesses the means to weigh, separate, or package a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine; or

(2) The person possesses a record indicating a drug-related transaction; or

(3) The Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine is separated and packaged in a manner to facilitate delivery; or

(4) The person possesses a firearm that is in the immediate physical control of the person at the time of the possession of the Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine; or

(5) The person possesses at least two (2) other controlled substances in any amount; or

(6) Other relevant and admissible evidence that contributes to the proof that a person's purpose was to deliver a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

(b) A person who violates this section upon conviction is guilty of a:

(1) Class C felony if the person possessed by aggregate weight, including an adulterant or diluent less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;

(2) Class B felony if the person possessed by aggregate weight, including an adulterant or diluent:

(A) Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision

(b)(2);

(B) Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride; or

(C) Eighty (80) or more but less than one hundred sixty (160) dosage units of Lysergic Acid Diethylamide (LSD); or

(D) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or II depressant or hallucinogenic drug; or

(E) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or II stimulant drug; or

(3) Class A felony if the person possessed by aggregate weight, including an adulterant or diluent: or

(A) Twenty-eight grams (28g) or more but less than two hundred grams (200g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (b)(3); or

(B) One hundred twenty-eight milligrams (128mg) or more or one hundred sixty (160) dosage units or more but less than two hundred grams (200g) of hydromorphone hydrochloride; or

(C) One thousand six hundred micrograms (1,600µg) or more or one hundred sixty (160) dosage units or more but less than two hundred grams (200g) of Lysergic Acid Diethylamide (LSD); or

(D) One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or

(E) One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug.

(c) It is a defense to a prosecution under this section that the person possessed less than the minimum listed amount of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine and that is listed in this section."

AND

Page 53, delete Section 49 and substitute the following:

"SECTION 49. Arkansas Code Title 5, Chapter 64, Subchapter 4 is amended to add a new section to read as follows:

5-64-426. Delivery of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

(a) This section does not apply to the delivery of methamphetamine or cocaine, which is governed by § 5-64-422.

(b) Except as provided in this chapter, it is unlawful for a person to deliver a Schedule I or Schedule II controlled substance.

(c) A person who violates this section upon conviction is guilty of a:

(1) Class C felony if the person delivered by aggregate weight, including an adulterant or diluent, less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;

(2) Class B felony if the person delivered by aggregate weight, including an adulterant or diluent:

(A) Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(2);

(B) Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride;

(C) Eighty (80) or more but less than one hundred sixty (160) dosage units of Lysergic Acid Diethylamide (LSD);
(D) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or
(E) Eighty (80) or more but less than one hundred sixty (160) dosage units but not more than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug; or
(3) Class A felony if the person delivered by aggregate weight, including an adulterant or diluent:
(A) Twenty-eight grams (28g) or more but less than two hundred grams (200g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(3); or
(B) One hundred sixty (160) dosage units or more but less than two hundred grams (200g) of hydromorphone hydrochloride; or
(C) One hundred sixty (160) dosage units or more but less than two hundred grams (200g) of Lysergic Acid Diethylamide (LSD); or
(D) One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II depressant or hallucinogenic drug; or
(E) One hundred sixty (160) dosage units or more regardless of weight but less than two hundred grams (200g) for any other Schedule I or Schedule II stimulant drug."

AND

Page 55, delete Section 50 and substitute:

"SECTION 50. Arkansas Code Title 5, Chapter 64, Subchapter 4 is amended to add a new section to read as follows:

5-64-427. Manufacture of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine.

(a) This section does not apply to the manufacture of methamphetamine or cocaine, which is governed by § 5-64-423.

(b) Except as provided by this chapter, it is unlawful for a person to manufacture a Schedule I or Schedule II controlled substance.

(c) A person who violates this section upon conviction is guilty of a:

(1) Class C felony if the person manufactured by aggregate weight, including an adulterant or diluent less than two grams (2g) of a Schedule I or Schedule II controlled substance that is not methamphetamine or cocaine;

(2) Class B felony if the person manufactured by aggregate weight, including an adulterant or diluent:

(A) Two grams (2g) or more but less than twenty-eight grams (28g) of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(2);

(B) Eighty (80) or more but less than one hundred sixty (160) dosage units of hydromorphone hydrochloride;

(C) Eighty (80) or more but less than one hundred sixty (160) dosage units of Lysergic Acid Diethylamide (LSD);

(D) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule I or Schedule II depressant or hallucinogenic drug regardless of weight; or

(E) Eighty (80) or more but less than one hundred sixty (160) dosage units for any other Schedule I or Schedule II stimulant drug regardless of weight; or

(3) Class A felony if the person manufactured by aggregate weight, including an adulterant or diluent:

(A) Twenty-eight grams (28g) or more of a Schedule I or Schedule II controlled substance that is not methamphetamine, cocaine, or a controlled substance listed in this subdivision (c)(3); or

(B) One hundred sixty (160) dosage units or more of hydromorphone hydrochloride; or

(C) One hundred sixty (160) or more dosage units of Lysergic Acid Diethylamide (LSD); or

(D) One hundred sixty (160) dosage units or more regardless of weight for any other Schedule I or II depressant or hallucinogenic drug; or

(E) One hundred sixty (160) dosage units or more regardless of weight for any other Schedule I or II stimulant drug."

AND

Page 65, delete Section 63 and substitute

"SECTION 63. Arkansas Code Title 5, Chapter 64, Subchapter 4 is amended to add a new section to read as follows:

5-64-443. Drug paraphernalia.

(a) A person who possesses drug paraphernalia with the purpose to use the drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter upon conviction is guilty of:

(1) A Class A misdemeanor; or

(2) A Class D felony if the controlled substance is methamphetamine or cocaine.

(b) A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance that is methamphetamine or cocaine upon conviction is guilty of a Class B felony.

(c) A person who uses or possesses with the purpose to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance a controlled substance that is not methamphetamine or cocaine upon conviction is guilty of a Class D felony."

AND

Page 73, line 5 delete "§ 16-93-618" and substitute "§ 16-93-618(a)(1)(A)—(E)"

AND

Page 75, line 26 delete "methamphetamint" and substitute "methamphetamine"

AND

Page 75, line 30 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 76, line 3 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 76, line 20 delete "~~or (B)~~" and substitute "or (B)"

AND

Page 82, line 24 delete "fourteen (14) days of the submission of the" and substitute "thirty days (30) before the discharge date,"

AND

Page 82, line 25 delete "application,"

AND

Page 97, line 30 delete "withthe" and substitute "with the"

AND

Page 113, line 28 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 124, line 14 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 124, line 31 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 125, line 6 delete "§ 5-64-443(a)(2)(B)" and substitute "the former § 5-64-403(c)(5)"

AND

Page 135, line 6 delete "and"

AND

Page 135, delete line 8 and substitute:

"a death; and

(xii) Inmate has not previously failed a drug court program."

(SIGNED) SENATOR JIM LUKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 750 was ordered engrossed.

On motion of Senator Hutchinson, **House Bill No. 1559** was withdrawn from the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1559

Amend **House Bill No. 1559** as originally introduced:

Page 2, delete lines 5 through 11 and substitute:

"(B) The notice shall include:

(i) A description of the vehicle including its identification number;
(ii) The identification of the agent who is to move the vehicle;
(iii) The date the owner of the vehicle authorized release of the vehicle to the insurance company; and
(iv) A statement that the insurance company will indemnify and hold harmless the storage facility for all liability and costs it incurs defending itself in any civil or criminal claim arising from moving the vehicle without a release document from the owner."

AND

Page 2, delete lines 14 through 22 and substitute:

"(c) The storage facility shall make the vehicle available for immediate release and removal during regular business hours of the storage facility upon receipt of:

- (1) The letter described under subsection (b) of this section;
- (2) The release of any law enforcement or other official hold;

and

(3) Settlement of all fees incurred up to and including the date of removal."

(d)(1) If an insurance company or its agent moves a vehicle as provided under this section, the insurance company shall indemnify and hold harmless the storage facility for liability and all expenses associated with civil or criminal claims arising from moving the vehicle without a release document from the owner.

(2) In any action in which a storage facility prevails against an insurance company for indemnification under this subsection (d), in addition to any damages suffered, the storage facility shall be awarded attorneys' fees and costs incurred.

(e) This section shall not be construed to restore or grant any right, title, or interest in the vehicle or its contents as may have been waived under § 27-50-1209(a)."

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1559 was ordered engrossed.

On motion of Senator Hutchinson, House Bill No. 1428 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1428

Amend House Bill No. 1428 as engrossed, H2/28/11:

Add Senator J. Hutchinson as a cosponsor of the bill

AND

Page 2, delete line 30 and substitute the following:

"(b)(1) An insurer shall establish and administer the open enrollment period for the purpose of offering a child-only plan to each qualified individual.

(2) During the open enrollment period and within thirty (30) days of a"

AND

Page 3, delete lines 1 and 2, and substitute the following:

"to qualified individuals under § 23-79-509(a)(1)(C)."

AND

Page 3, delete line 5, and substitute the following:

"Comprehensive Health Insurance Pool shall be determined under policies and procedures established by the Board of Directors of the Arkansas Comprehensive Health Insurance Pool."

AND

Page 3, delete line 9, and substitute the following:

"this act expires on January 1, 2014."

SECTION 2. Arkansas Code § 23-79-509(a)(1), concerning the general eligibility requirements of the Arkansas Comprehensive Health Insurance Pool, is amended to read as follows:

(a) General Eligibility Requirements. The following requirements apply to a resident eligible person or a trade adjustment assistance eligible person in order for the person to be eligible for plan coverage:

(1) Except as provided in subdivision (a)(2) of this section or subsection (b) of this section, any individual person who meets the definition of resident eligible person as defined by § 23-79-503 or a trade adjustment assistance eligible person as defined by § 23-79-503 and is either a citizen of the United States or an alien lawfully admitted for permanent residence who continues to be a resident of this state shall be eligible for plan coverage if evidence is provided of:

(A) A notice of rejection or refusal by an insurer to issue substantially similar individual health insurance coverage by reason of the existence or history of a medical condition or upon such other evidence that the Board of Directors of the Arkansas Comprehensive Health Insurance Pool deems sufficient in order to verify that the applicant is unable to obtain the coverage from an insurer due to the existence or history of a medical condition;

(B)(i) A refusal by an insurer to issue individual health insurance coverage except at a rate that the board determines is substantially in excess of the applicable plan rate.

(ii) A rejection or refusal by a group health plan or insurer offering only stop-loss or excess-of-loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection; or

(C)(i) Until September 30, 2011, a refusal by an insurer to issue individual health insurance coverage to a child under nineteen (19) years of age.

(ii) After September 30, 2011, the eligibility of a child under nineteen (19) years of age for individual health insurance coverage shall be determined by the board; or

(D) Evidence that the applicant was covered under a qualified high risk pool of another state, provided that the coverage terminated no more than sixty-three (63) days prior to the date the pool receives the applicant's application for coverage and the other state's qualified high risk pool did not terminate the person's coverage for fraud;"

AND

Page 3, line 11, delete "SECTION 2" and substitute "SECTION 3"

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1428 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator J. Jeffress, **Senate Bill No. 330** was called up for third reading and final disposition.

SENATE BILL NO. 330

As Engrossed: S2/23/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE CONTINUING ADEQUACY EVALUATION ACT OF 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 330 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 330 was ordered immediately transmitted to the House as passed.

On motion of Senator Files, Senate Bill No. 772 was called up for third reading and final disposition.

SENATE BILL NO. 772
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES

A Bill for an Act to be Entitled: AN ACT TO INCLUDE OTHER MEDIA IN SHIELD PROVISIONS REGARDING DISCLOSURE OF SOURCES; AND FOR OTHER PURPOSES.

Senate Bill No. 772 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes 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. 772 was ordered immediately transmitted to the House as passed.

On motion of Senator Elliott, **Senate Bill No. 336** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

On motion of Senator Wyatt, **House Bill No. 1403** was called up for third reading and final disposition.

**HOUSE BILL NO. 1403
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ENGLISH**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE TIME FOR PAYMENT OF ANNUAL ASSESSMENTS IN FIRE PROTECTION DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1403 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1403 was ordered immediately returned to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1527** was called up for third reading and final disposition.

HOUSE BILL NO. 1527
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE CHEATHAM
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY CERTAIN DEFINITIONS RELATED TO BONDED DEBT ASSISTANCE FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1527 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1527 was ordered immediately returned to the House as passed.

On motion of Senator Sample, **House Bill No. 1300** was called up for third reading and final disposition.

HOUSE BILL NO. 1300
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE HYDE

A Bill for an Act to be Entitled: AN ACT TO PROVIDE AN EXEMPTION FOR RECREATIONAL VEHICLE SPECIAL EVENTS TO ALLOW RECREATIONAL VEHICLE DEALERS TO DISPLAY AND SELL RECREATIONAL VEHICLES AT SPECIAL EVENTS THAT HAVE A SIGNIFICANT POSITIVE ECONOMIC IMPACT ON AN AREA; AND FOR OTHER PURPOSES.

House Bill No. 1300 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1300 was ordered immediately returned to the House as passed.

On motion of Senator Dismang, **House Bill No. 1496** was called up for third reading and final disposition.

HOUSE BILL NO. 1496
As Engrossed: H2/28/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WILLIAMS ET AL
BY: SENATORS J. DISMANG, BLEDSOE, L. CHESTERFIELD, ELLIOTT, FILES,
S. FLOWERS, M. LAMOUREUX, B. SAMPLE & D. WYATT

A Bill for an Act to be Entitled: AN ACT TO CONFORM THE SALVAGE AUCTION BUYER'S IDENTIFICATION CARD LAW TO THE COMMERCE CLAUSE OF ARTICLE 1, § 8 OF THE UNITED STATES CONSTITUTION; AND FOR OTHER PURPOSES.

Senator Rapert spoke against the Bill.

Senator Chesterfield spoke for the Bill.

Senator Dismang closed for the Bill.

House Bill No. 1496 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: Bookout, L. Chesterfield, Crumbly, J. Dismang, Elliott, Files, Fletcher, S. Flowers, S. Harrelson, Hendren, J. Hutchinson, J. Jeffress, D. Johnson, J. Key, M. Lamoureux, Luker, P. Malone, B. Pritchard, B. Sample, J. Taylor, R. Thompson, Whitaker.

Total22

NEGATIVE: G. Baker, Burnett, Irvin, G. Jeffress, Madison, Rapert, Salmon, E. Williams.

Total8

ABSENT OR NOT VOTING: Bledsoe, Holland, Laverty, Teague, D. Wyatt.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....30

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. 1496 was ordered immediately returned to the House as passed.

On motion of Senator Malone, Senate Bill No. 559 was called up for third reading and final disposition.

SENATE BILL NO. 559

As Engrossed: S2/28/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS LAVERTY, BURNETT, J. DISMANG, FILES, S. HARRELSON, J. HUTCHINSON, D. JOHNSON, J. KEY, P. MALONE, RAPERT, J. TAYLOR, E. WILLIAMS & D. WYATT

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS CONCERNING CRIMINAL BACKGROUND CHECKS FOR HEALTHCARE PROVIDERS; TO PROVIDE FOR TRANSFERABILITY OF CRIMINAL RECORDS CHECKS AND DETERMINATION LETTERS AMONG VARIOUS OPERATIONAL SECTIONS OF A SINGLE SERVICE PROVIDER; AND FOR OTHER PURPOSES.

Senate Bill No. 559 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes 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

Senate Bill No. 559 was ordered immediately transmitted to the House as passed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

HOUSE BILL NO. 1428, BY REP. DONNA HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

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

On motion of Senator Hutchinson, **House Bill No. 1428** was called up for third reading and final disposition.

HOUSE BILL NO. 1428
As Engrossed: H2/28/11 S3/8/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE D. HUTCHINSON
BY: SENATOR JEREMY HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CHILD-ONLY INDIVIDUAL HEALTH INSURANCE POLICIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1428 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bookout, S. Harrelson, G. Jeffress, Lavery, B. Sample, R. Thompson, E. Williams.

Total7

VOTING PRESENT:

Total0

Total number of votes cast28

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1428**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bookout, S. Harrelson, G. Jeffress, Lavery, B. Sample, R. Thompson, E. Williams.

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

House Bill No. 1428 was ordered immediately returned to the House as passed as amended.

Received from the House

HOUSE BILL NO. 1650

As Engrossed: H3/7/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WEBB ET AL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR GRANTS TO FIRE DEPARTMENTS FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR GENERAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1650 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1661

As Engrossed: H3/7/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WEBB ET AL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE INSTITUTIONS OF HIGHER EDUCATION FOR CONSTRUCTION, MAINTENANCE, EQUIPMENT AND LIBRARY RESOURCES; AND FOR OTHER PURPOSES.

House Bill No. 1661 was read the first time, rules suspended, read the second time and placed on the Calendar.

Senate Bill No. 221 was returned from the House as passed as amended.

On motion of Senator Dismang, Senate Bill No. 221 was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

Senate Bill No. 309 was returned from the House as passed as amended.

On motion of Senator Hutchinson, Senate Bill No. 309 was ordered re-referred to the Committee on INSURANCE & COMMERCE.

Senate Bill No. 345 was returned from the House as passed as amended.

On motion of Senator Malone, Senate Bill No. 345 was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Senate Bill No. 360 was returned from the House as passed and ordered enrolled.

Senate Bill No. 375 was returned from the House as passed and ordered enrolled.

Senate Bill No. 376 was returned from the House as passed and ordered enrolled.

Senate Bill No. 382 was returned from the House as passed and ordered enrolled.

Senate Bill No. 412 was returned from the House as passed and ordered enrolled.

Senate Bill No. 413 was returned from the House as passed and ordered enrolled.

Senate Bill No. 417 was returned from the House as passed and ordered enrolled.

Senate Bill No. 501 was returned from the House as passed and ordered enrolled.

Senate Bill No. 502 was returned from the House as passed and ordered enrolled.

Senate Bill No. 503 was returned from the House as passed and ordered enrolled.

Senate Bill No. 504 was returned from the House as passed and ordered enrolled.

Senate Bill No. 505 was returned from the House as passed and ordered enrolled.

Senate Bill No. 553 was returned from the House as passed and ordered enrolled.

Received from the House

HOUSE BILL NO. 1304
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES WILLIAMS, T. BAKER, T. BRADFORD, T. STEELE,
LOVE, KERR & H. WILKINS

BY: SENATOR ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO MODIFY THE WAITING PERIOD CONCERNING THE EXCESS PROCEEDS FROM A NONJUDICIAL PUBLIC SALE; AND FOR OTHER PURPOSES.

House Bill No. 1304 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1532
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES ALLEN, T. BAKER, DALE, E. ELLIOTT, FIELDING,
LEDING, POWERS, RICE, T. STEELE, SUMMERS, B. WILKINS & WILLIAMS

BY: SENATOR R. THOMPSON

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE ELECTRONIC TRAFFIC TICKETS; AND FOR OTHER PURPOSES.

House Bill No. 1532 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1555

As Engrossed: H3/4/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES T. BRADFORD, ALLEN, BELL, BRANSCUM, CARNINE,
CHEATHAM, J. DICKINSON, E. ELLIOTT, ENGLISH, WAGNER, B. WILKINS &
WORD

A Bill for an Act to be Entitled: AN ACT CONCERNING THE SALE OF AIR
CONDITIONING PARTS TO SCRAP METAL RECYCLERS; AND FOR OTHER
PURPOSES.

House Bill No. 1555 was read the first time, rules suspended, read the
second time and referred to the Committee on PUBLIC HEALTH, WELFARE &
LABOR.

ARKANSAS SENATE

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

March 8, 2011

Mr. President:

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

HOUSE BILL NO. 1559, BY REPRESENTATIVE ALLEN KERR,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Hutchinson, **House Bill No. 1559** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 625, BY SENATOR SUE MADISON,
SENATE BILL NO. 626, BY SENATOR SUE MADISON ET AL,
SENATE BILL NO. 803, BY SENATOR LARRY TEAGUE,

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) SENATOR LINDA CHESTERFIELD
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 213, BY SENATOR JOHNNY KEY,

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) PERCY MALONE
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 8, 2011

Mr. President:

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

SENATE BILL NO. 750, BY SENATOR JIM LUKER,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 330

SENATE BILL NO. 559

SENATE BILL NO. 772

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1300

HOUSE BILL NO. 1403

HOUSE BILL NO. 1496

HOUSE BILL NO. 1527

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1428 AS AMENDED NO. 1

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 360

SENATE BILL NO. 375

SENATE BILL NO. 376

SENATE BILL NO. 382

SENATE BILL NO. 412

SENATE BILL NO. 413

SENATE BILL NO. 417

SENATE BILL NO. 501
SENATE BILL NO. 502
SENATE BILL NO. 503
SENATE BILL NO. 504
SENATE BILL NO. 505
SENATE BILL NO. 553

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 221 AS AMENDED NO. 1
SENATE BILL NO. 309 AS AMENDED NO. 1
SENATE BILL NO. 345 AS AMENDED NO. 1

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1304
HOUSE BILL NO. 1532
HOUSE BILL NO. 1555
HOUSE BILL NO. 1650
HOUSE BILL NO. 1661

On motion of Senator Whitaker, the Senate adjourned until 1:30 p.m.,
Wednesday, March 9, 2011.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE