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

Little Rock, Arkansas
March 15, 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 Dr. Bruce Tippit, Pastor, First Baptist Church, Jonesboro, 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On motion of Senator Irvin, **Senate Bill No. 518** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.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. 518

Amend **Senate Bill No. 518** as originally introduced:
Add Representative Collins-Smith as a cosponsor of the bill.

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 518 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 521** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.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. 521

Amend **Senate Bill No. 521** as originally introduced:
Add Representatives Benedict, Wren as cosponsors of the bill.

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 521 was ordered engrossed.

On motion of Senator Baker, **Senate Bill No. 578** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.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. 578

Amend **Senate Bill No. 578** as originally introduced:

Page 1, line 9, delete "PROGRAM;" and substitute "PROGRAM; TO DECLARE AN EMERGENCY;"

AND

Delete the subtitle in its entirety and substitute:

"TO AMEND THE ARKANSAS GOVERNOR'S SCHOLARS PROGRAM AND TO DECLARE AN EMERGENCY."

AND

Page 1, delete all the language after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-82-306(b)(6)(A), concerning eligibility for the Arkansas Governor's Scholars Program, is amended to read as follows:

(6)(A) Satisfies the qualifications of superior academic ability as established by the Department of Higher Education with criteria consisting of value points for academic achievement and leadership, including without limitation:

- (i) American College Test (ACT) or Scholastic Aptitude Test (SAT) score, National Merit Finalist, or National Achievement Finalist; and
- (ii) High school grade point average; and
- ~~(iii) Rank in high school class; and~~
- ~~(iv) Leadership in school, community, and employment.~~

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that some Arkansas graduates are at a disadvantage under the current ranking system for the Arkansas Governor's Scholars Program; that changes to the Arkansas Governor's Scholars Program ranking system are needed to ensure that awards are granted to the most qualified applicants; and that this act is immediately necessary to ensure that the Arkansas Governor's Scholars Program awards granted for the 2011-2012 school year incorporate the revised ranking criteria. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

(SIGNED) SENATOR GILBERT BAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 578 was ordered engrossed.

On motion of Senator Johnson, **Senate Bill No. 678** was withdrawn from the Committee on JOINT BUDGET, 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. 678

Amend **Senate Bill No. 678** as originally introduced:

Page 1, delete SECTION 1 in its entirety and insert therefor the following:

" SECTION 1. APPROPRIATION - BIRTH CERTIFICATE EXPENSES. There is hereby appropriated, to the Department of Health, to be payable from the Miscellaneous Agencies Fund Account, for personal services and operating expenses of providing birth certificates to individuals who reside as clients at domestic violence shelters that are exempt from taxation under 501(c)(3) of the Internal Revenue Code and homeless shelters that are exempt from taxation under 501(c)(3) of the Internal Revenue Code for the fiscal year ending June 30, 2012, the sum of.....\$10,000."

(SIGNED) SENATOR DAVID JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 678 was ordered engrossed.

On motion of Senator Thompson, **Senate Bill No. 347** was withdrawn from the Committee on JUDICIARY, 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. 347

Amend **Senate Bill No. 347** as originally introduced:

Page 1, delete lines 19 and 20 and substitute:

"SECTION 1. Arkansas Code § 16-12-201 is amended to read as follows:
 16-12-201. Court of Appeals — Districts.

The State of Arkansas is divided into the following seven (7) districts for the election of judges to the Court of Appeals:

(1) District 1 shall be composed of Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, White, and Woodruff counties;

(2) District 2 shall be composed of Baxter, Boone, Carroll, Cleburne, Conway, Faulkner, Fulton, Independence, Izard, Jackson, ~~Lawrence~~, Marion, Newton, Pope, ~~Randolph~~, Searcy, Sharp, Stone, and Van Buren counties;

(3) District 3 shall be composed of Benton, ~~Carroll~~, Crawford, ~~Franklin~~, ~~Johnson~~, ~~Madison~~, and Washington counties;

(4) District 4 shall be composed of ~~Clark~~, Franklin, Garland, Hempstead, Hot Spring, Howard, Johnson, Little River, Logan, Madison, Miller, Montgomery, Pike, Polk, Scott, Sebastian, Sevier, and Yell counties;

(5) District 5 shall be composed of Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Grant, Lafayette, Lincoln, Nevada, Ouachita, and Union counties;

(6) District 6 shall be composed of Pulaski, Perry, and Saline counties;
 and

(7) District 7 shall be composed of Arkansas, Chicot, Desha, Jefferson, Lee, Phillips, and St. Francis counties."

(SIGNED) SENATOR ROBERT THOMPSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 347 was ordered engrossed.

On motion of Senator Key, **Senate Bill No. 1000** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 1000

Amend **Senate Bill No. 1000** as engrossed, S3/9/11:
Add Senator S. Flowers as a cosponsor of the bill

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1000 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 930** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 930

Amend **Senate Bill No. 930** as originally introduced:
Add Senator R. Thompson as a cosponsor of the bill

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 930 was ordered engrossed.

On motion of Senator Flowers, **Senate Bill No. 997** was withdrawn from the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, 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. 997

Amend **Senate Bill No. 997** as originally introduced:
Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 2-20-404(b), concerning the Arkansas Soybean Promotion Board, is amended to read as follows:

(b) The members of the board shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by those officers or specifically designated by the board. The principal office of the board shall be located at the office of the ~~Arkansas Farm Bureau Federation,~~ Arkansas Agriculture Department in Little Rock.

SECTION 2. Arkansas Code § 2-20-406(c), concerning assessments on Arkansas-grown soybeans, is amended to read as follows:

(c)(1)~~(A)~~ The proceeds of the assessment shall be deposited with the Treasurer of State in a special fund to be established for the Arkansas Soybean Promotion Board;

~~(B) provided, that the director~~ The Director of the Department of Finance and Administration may deduct not more than three percent (3%) to cover the cost of collections.

(C) The Treasurer of State shall direct two percent (2%) of the revenues collected beginning on and after July 1, 2012, into the Arkansas Agriculture Department Fund Account to be used exclusively for operation and administration expenses related to the Arkansas Soybean Promotion Board.

(2) Disbursement shall be made only upon motion duly passed by the board and presented to the Treasurer of State and only for the purposes prescribed in this subchapter."

(SIGNED) SENATOR STEPHANIE FLOWERS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 997 was ordered engrossed.

On motion of Senator Lamoureux, [Senate Bill No. 758](#) was withdrawn from the Committee on REVENUE & TAXATION, 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. 758](#)

Amend [Senate Bill No. 758](#) as originally introduced:

Delete SECTION 35 in its entirety and substitute the following:

"SECTION 35. Arkansas Code § 26-51-303 is amended to read as follows:
26-51-303. Exempt organizations.

(a) The following organizations shall be exempt from taxation under the Income Tax Act of 1929, § 26-51-101 et seq.:

- ~~(1) Fraternal benefit societies, orders, or associations:

 - ~~(A) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and~~
 - ~~(B) Providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;~~~~
- ~~(2) Domestic life and disability insurance companies and foreign insurance companies;~~
- ~~(3) Cemetery corporations;~~
- ~~(4) Business leagues, chambers of commerce, or boards of trade not organized for profit and no part of the net earnings of which inures to the benefit of any private stockholders or individuals;~~
- ~~(5) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare;~~
- ~~(6) Farmers' or other mutual hail, cyclone, or fire insurance companies, or other domestic insurance companies writing lines of insurance other than those specified in subdivisions (a)(1) and (2) of this section, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations of a purely local character, but only if eighty-five percent (85%) or more of the income of the organization consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting losses and expenses;~~
- ~~(7) Farmers', fruit growers', or like organizations organized and operated as sales agent for the purpose of marketing the products of members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;~~
- ~~(8) Labor, agricultural, or horticultural organizations, no part of the net earnings of which inures to the benefit of any private stockholder or member;~~
- ~~(9) Corporations, trusts, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in, or intervene in, including the publishing or distributing of statements, any political campaign on behalf of or in opposition to any candidate for public office; and~~

~~(10) A political organization that does not have political organization taxable income for the tax year under 26 U.S.C. § 527, as in effect on January 1, 2009.~~

~~(b)(1) Every organization claiming exemption under this act shall notify the Revenue Division of the Department of Finance and Administration of its exempt status.~~

~~(2) Each such organization shall provide such additional information as the division shall also reasonably require for verification of the organization's exempt status.~~

~~(3) Provided, however, that any organization which is determined to be exempt from income taxation under the provisions of the Internal Revenue Code of 1986 for any one (1) or more of the purposes set forth in subsection (a) of this section shall verify its exempt status hereunder by delivery to the division of a copy of the document declaring its exempt status under the Internal Revenue Code of 1986.~~

(1) Domestic life, accident, and health insurance companies and foreign insurance companies; and

(2) Farmers' or other mutual hail, cyclone, or fire insurance companies, other domestic insurance companies writing lines of insurance other than those specified in subdivision (a)(1) of this section, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or similar organizations of a purely local character, if eighty-five percent (85%) or more of the income of the organization consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting losses and expenses.

(b)(1) An organization claiming an exemption under this section shall notify the Revenue Division of the Department of Finance and Administration of its exempt status.

(2) An organization claiming an exemption under this section shall provide any additional information that the division requires for verification of the organization's exempt status."

AND

Immediately following SECTION 35, add a new section to read as follows:

"SECTION 36. Arkansas Code § 26-51-304 is repealed.

~~26-51-304. Income from investments made by nonprofit organizations.~~

~~Income derived from investments made by nonprofit organizations, whether or not the organization is organized or exists under the laws of this state, shall be exempt from state income tax where the income is for the sole purpose of providing pension and annuity benefits to members of the nonprofit organizations."~~

AND

Appropriately renumber the sections of the bill

(SIGNED) SENATOR MICHAEL LAMOUREUX

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 758 was ordered engrossed.

On motion of Senator Pritchard, **Senate Bill No. 157** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 157

Amend **Senate Bill No. 157** as engrossed, S3/2/11:

Add Representative Sanders as a cosponsor of the bill

AND

Page 1, delete line 33 and substitute the following:

"testing negative for the illegal drugs methamphetamine, cocaine, and heroin, as specified in this subdivision"

AND

Page 1, delete line 36 and substitute the following:

"shall be subject to testing for the illegal drugs methamphetamine, cocaine, and heroin, through a program established"

AND

Page 2, delete line 8 and substitute the following:

"(2) Paid for by the Department of Workforce Services."

(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. 157 was ordered engrossed.

On motion of Senator J. Jeffress, **Senate Bill No. 884** was withdrawn from the Committee on EDUCATION, 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. 884

Amend **Senate Bill No. 884** as originally introduced:

Add Senators Elliott, J. Key, Salmon as cosponsors of the bill

AND

Add Representative T. Steele as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-17-208 is amended to read as follows:
6-17-208. Grievance procedure.

(a)(1) It is the public policy of the State of Arkansas that:

(A) Each school district shall have a written grievance procedure that provides for an orderly method of resolving concerns raised by an employee at the lowest possible administrative level and in a clear and timely manner for both parties; and

(B)(i) All school employees shall have the right to file grievances and have those grievances heard.

(ii) A group of employees who have the same grievance may file a group grievance.

(2)(A) As used in this section:

(A) "Grievance" means any concern related to personnel policy, salary, federal or state laws and regulations, ~~or~~ terms or conditions of employment, reprimands, write-ups, disciplinary actions, directives, performance reviews, or evaluations raised by an employee whether or not any other law or policy provides for another form or avenue for addressing the concern; and

(B) "Employee" means a person employed by a school district under a written contract.

(b)(1) The grievance policy shall include at least the following provisions:

(A) A procedure for resolving the matter informally with the employee's immediate supervisor;

(B) A procedure to appeal in writing an unsatisfactorily resolved grievance from the immediate supervisor to the superintendent of schools or his or her designee;

(C)(i) A procedure to appeal in writing an unsatisfactorily resolved grievance from the superintendent or his or her designee to the school board of directors at the next regularly scheduled school board of directors meeting unless both parties have agreed to a different date.

(ii) The hearing shall be open or closed at the discretion of the employee.

(iii) If the hearing is open, the parent or guardian of any student under the age of eighteen (18) who gives testimony may elect to have the student's testimony given in a closed session; and

(D) The right of a party to be represented by a person of his or her own choosing, but not by a member of a party's immediate family at any level of the procedure;

(E) A reasonable time for filing appeals and for administrators to respond to a grievance of not more than ten (10) days;

(F) The right of the employee to proceed to the next step of the grievance process if an administrator does not respond to the grievance within the time provided; and

(G) A time of not less than thirty (30) days from the day the employee first becomes aware of the concern within which to file the initial grievance.

(2)(A) The determination by the principal, superintendent, or their designees that the concern expressed by the employee is not a grievance may be appealed to the school board of directors for a final decision.

(B)(3) At the hearing on the appeal under subdivision (b)(2) of this section:

~~(i)(a)~~(A)(i) The employee shall have an adequate opportunity to present the grievance.

~~(b)~~(ii) The employee shall be provided no less than ninety (90) minutes to present the grievance, unless a shorter period is agreed to by the employee; and

~~(ii)~~(B) Both parties shall have the opportunity to present and question witnesses;

(C) The board may hear a grievance even if the timelines or procedures for filing and appealing the grievance have not been met or followed; and

(D) The board shall render a decision by taking action on the grievance at the conclusion of the grievance hearing.

(c) The grievance policy shall be adopted in accordance with this subchapter and other applicable policies of the school district.

(d) There shall be no reprisals of any kind against any individual who exercises his or her rights under this section.

(e) Nothing in this section shall be construed as requiring a school district to enter into an agreement recognizing an organization for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern."

(SIGNED) SENATOR JIMMY JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 884 was ordered engrossed.

On motion of Senator Williams, **Senate Bill No. 894** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendments No. 1 & 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 894

Amend **Senate Bill No. 894** as originally introduced:

Delete the subtitle in its entirety and substitute:

"TO REQUIRE THAT SCHOOL ELECTIONS ARE HELD ON THE SAME DATE AS GENERAL ELECTIONS AND AMEND THE TERM FOR A SCHOOL BOARD MEMBER."

AND

Page 2, delete lines 5-10 and substitute the following:

(1) Within ten (10) days after receiving notice of his or her:
(A) Election in an annual school election held in September under § 6-14-102(a)(1);
(B) Election in a special election; or
(C) Appointment; or
(2) On or after January 1 but not later than January 10 of the year following the year in which the person was elected in an annual school election held in November under § 6-14-102(a)(2)."

AND

Page 2, delete lines 15-18 and substitute the following:

"(d) The term of office of a director shall begin on the later of:
(A) January 1 following the director's election in an annual school election held under § 6-14-102(a)(2); or
(B) Upon taking the oath of office under this section."

AND

Page 2, delete lines 25-31 and substitute the following:

"(a)(1) At the first regular meeting following the annual school election, the board of directors of each school district shall organize by electing:
(1)(A) One (1) of their number president;
(2)(B) One (1) of their number vice president; and
(3)(C) A secretary who may be, but need not be, a member of the board of directors.
(2) If the annual school election is held under § 6-14-102(a)(2), this subsection applies to the first regular meeting held after January 1."

AND

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

"school election on a separate ballot if:

(1) The election is held under § 6-14-102(a)(2); and

(2) The board determines that a separate ballot is necessary to avoid voter confusion."

AND

Page 3, delete lines 7-9 and substitute the following:

"(a)(4) The board of directors of a school district shall set the date that the annual school election shall ~~is to~~ be held in each the school district of the state on as the:

(1) ~~third~~ Third Tuesday in September; or

(2) Tuesday next after the first Monday in November of each year."

AND

Page 3, delete lines 26-28 and substitute the following:

"(c) A county shall conduct at no cost to the school district an annual school election that is held under § 6-14-102(a)(2) or a run-off election resulting from that annual school election."

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 894

Amend **Senate Bill No. 894** as originally introduced:

Delete Section 4 of the bill in its entirety

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 894 was ordered engrossed.

On motion of Senator Dismang, Senate Bill No. 681 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendments No. 1 & 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 681

Amend Senate Bill No. 681 as originally introduced:

Page 1, delete line 30 and substitute:

"(2) The Arkansas Lottery Commission Oversight Committee shall approve the consultant selected by the Department of Higher Education before the department executes the contract for services.

(3) The cost of hiring a consultant is an expense of the"

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 681

Amend **Senate Bill No. 681** as originally introduced:

Page 1, line 26, delete "The Department of Higher Education" and substitute "If the Arkansas Lottery Commission Legislative Oversight Committee determines that the Department of Higher Education has failed to come to an agreement with the Bureau of Legislative Research concerning the provision of the data required by the Arkansas Scholarship Lottery Act, within thirty (30) days of the date the committee advises the department of its determination, the department"

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 681 was ordered engrossed.

On motion of Senator Dismang, **Senate Bill No. 593** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 593

Amend **Senate Bill No. 593** as engrossed, S3/10/11:
Add Senator Files as a cosponsor of the bill

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 593 was ordered engrossed.

On motion of Senator Dismang, **Senate Bill No. 951** 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. 951

Amend **Senate Bill No. 951** as originally introduced:
page 2, delete lines 4 through 9 and substitute the following:

"of this subchapter by any person upon whom the abortion was performed."

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 951 was ordered engrossed.

On motion of Senator Salmon, Senate Bill No. 171 was withdrawn from the Committee on EDUCATION, 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. 171

Amend Senate Bill No. 171 as originally introduced:

Page 1, line 27, delete "fifteen (15)" and substitute "ten (10)"

AND

Page 1, line 29, delete "thirty (30)" and substitute "twenty (20)"

AND

Page 2, delete lines 1-7

AND

Page 2, line 8, delete "(c)(1) Annually," and substitute "(b)(1) Annually, the administrators of each public school in"

AND

Page 2, delete line 28 and substitute the following language:

"comply fully with this section.

(4) The department shall submit the name of each school district that fails to comply with the requirements of this section annually to the interim House Committee on Education and the interim Senate Committee on Education."

AND

Page 2, line 29, delete "(d)" and substitute "(c)"

AND

Page 3, line 8, delete "ten (10)" and substitute "twelve (12)"

AND

Page 3, delete lines 27-30 and substitute the following language:

"curriculum standards for adoption; and"

AND

Page 3, line 31, delete "(D)" and substitute "(C)"

(SIGNED) SENATOR MARY ANNE SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 171 was ordered engrossed.

On motion of Senator Chesterfield, **Senate Bill No. 737** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 737

Amend **Senate Bill No. 737** as engrossed, S3/3/11:

Page 1, line 14, delete "ACT" and substitute "ACT OR SAT"

AND

Page 4, line 4, delete "or PSAT" and substitute "or SAT"

AND

Page 4, line 6, delete "or the Arkansas Advanced Initiative for Math and"

AND

Page 4, line 7, delete "Science (AAIMS)"

(SIGNED) SENATOR LINDA CHESTERFIELD

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 737 was ordered engrossed.

On motion of Senator Irvin, [Senate Bill No. 839](#) 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. 839](#)

Amend [Senate Bill No. 839](#) as originally introduced:

Delete the title in its entirety and substitute the following:
 "AN ACT TO PROTECT PATIENTS BY ENSURING THAT PRIOR AUTHORIZATION PROCEDURES DO NOT INTRUDE ON THE PHYSICIAN-PATIENT RELATIONSHIP OR PUT COST SAVINGS AHEAD OF OPTIMAL PATIENT CARE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROTECT PATIENTS BY ENSURING THAT PRIOR AUTHORIZATION PROCEDURES DO NOT INTRUDE ON THE PHYSICIAN-PATIENT RELATIONSHIP OR PUT COST SAVINGS AHEAD OF OPTIMAL PATIENT CARE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 4 is amended to add an additional section to read as follows:

20-99-418. Prior authorization.

(b) As used in this section:

(1) "Fail first" means a protocol by a healthcare insurer requiring that a healthcare service preferred by a healthcare insurer shall fail to help a patient before the patient receives coverage for the healthcare service ordered by the patient's healthcare provider;

(2) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for health care services issued or delivered by a health care insurer in the state;

(3)(A) "Healthcare insurer" means Medicaid, an insurance company, a health maintenance organization, a hospital and medical service corporation, and a self-insured health plan for employees of a governmental entity.

(B) "Healthcare insurer" does not include workers' compensation plans;

(4) "Healthcare provider" means a doctor of medicine, a doctor of osteopathy, or another health care professional acting within the scope of practice for which he or she is licensed in Arkansas;

(5) "Healthcare service" means a health care procedure, treatment, service, or product, including without limitation prescription drugs and durable medical equipment ordered by a health care provider;

(6) "Medicaid" means the state-federal medical assistance program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq;

(7) "Prior authorization" means the process by which a healthcare insurer or a healthcare insurer's contracted private review agent determines the medical necessity or medical appropriateness, or both of otherwise covered healthcare services before the rendering of the healthcare services including without limitation:

(A) Preadmission review;

(B) Pretreatment review;

(C) Utilization review;

(D) Case management; and

(E) Any requirement that a patient or healthcare provider notify the healthcare insurer or a utilization review agent before providing a healthcare service.

(8)(A) "Private review agent" means a nonhospital-affiliated person or entity performing utilization review on behalf of:

(i) An employer of employees in the State of Arkansas;

or

(ii) A third party that provides or administers hospital and medical benefits to citizens of this state, including:

(a) A health maintenance organization issued a certificate of authority under and by virtue of the laws of the State of Arkansas; and

(b) A health insurer, nonprofit health service plan, health insurance service organization, or preferred provider organization or other entity offering health insurance policies, contracts, or benefits in this state.

(B) "Private review agent" includes a healthcare insurer if the healthcare insurer performs prior authorization determinations.

(C) "Private review agent" does not include automobile, homeowner, or casualty and commercial liability insurers or their employees, agents, or contractors;

(9) "Step therapy" means a protocol by a healthcare insurer requiring that a patient not be allowed coverage of a prescription drug ordered by the patient's healthcare provider until other less expensive drugs have been tried;

(b) The purpose of this section is to ensure that prior authorization determination protocols safeguard a patient's best interests.

(c)(1) An adverse prior authorization determination made by a utilization review agent shall be based on the medical necessity or appropriateness of the health care services and shall be based on written clinical criteria.

(2) An adverse prior authorization determination shall be made by a qualified health care professional licensed in Arkansas.

(d) This section applies to a healthcare insurer whether or not the healthcare insurer is acting directly or through a private review agent.

(e) If the patient or the patient's healthcare provider, or both receive verbal notification of the adverse prior authorization determination, the qualified healthcare professional who makes an adverse prior authorization determination shall provide the information required for the written notice under subdivision (f)(1) of this section.

(f) Written notice of an adverse prior authorization determination shall be provided to the patient and the patient's healthcare provider requesting the prior authorization.

(g) The written notice required under subsection (e) of this section shall include:

(1)(A) The name, title, address, and telephone number of healthcare professional responsible for making the adverse determination.

(B) For a physician, the notice shall identify the physician's board certification status or board eligibility.

(C) The notice under this subsection shall identify each state in which the health care professional is licensed and the license number issued to the professional by each state;

(2) The written clinical criteria, and any internal rule, guideline, or protocol on which the health care insurer relied when making the adverse prior authorization determination and how those provisions apply to the patient's specific medical circumstance;

(3) Information for the patient and the patient's healthcare provider through which the patient or healthcare provider may request a copy of any report developed by personnel performing the utilization review that led to the adverse prior authorization determination; and

(4)(A) Information explaining to the patient and the patient's healthcare provider of the right to appeal the adverse prior authorization determination.

(B) The information required under subdivisions (f)(4)(A) of this section shall include instructions concerning how an appeal may be perfected and how the patient and the patient's healthcare provide may ensure that written materials supporting the appeal will be considered in the appeal process.

(h)(1) When a healthcare service for the treatment or diagnosis of any medical condition is restricted or denied for use by prior authorization or step therapy or a fail first protocol in favor of a healthcare service preferred by the healthcare insurer, the patient's healthcare provider shall have access to a clear and convenient process to expeditiously request an override of that restriction or denial from the healthcare insurer.

(2) An override requested under subdivision (g)(1) of this section shall be expeditiously granted under the following circumstances:

(A) The healthcare provider can demonstrate, based on sound clinical evidence, that the preferred healthcare service required under the prior authorization or step therapy or fail first protocol has been ineffective in the treatment of the patient's disease or medical condition; or

(B) Based on sound clinical evidence or medical and scientific evidence:

(i) The health care provider can demonstrate that the preferred healthcare service required under the prior authorization or step therapy or fail first protocol is expected or likely to be ineffective based on the known relevant physical or mental characteristics of the patient and known characteristics of the preferred healthcare service required by the healthcare insurer; or

(ii) The health care provider can demonstrate that the preferred healthcare service required under the prior authorization or step therapy or fail first protocol will be clinically ineffective because it will cause or will likely cause an adverse reaction in or other physical harm to the patient.

(3) The duration of any step therapy or fail first protocol shall not be longer than a period of fourteen (14) days past the day on which the treatment is deemed clinically ineffective by the patient's healthcare provider under subdivision (g)(2) of this section.

(i) Requested healthcare services shall be deemed preauthorized if a healthcare insurer fails to comply with this section."

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 839 was ordered engrossed.

On motion of Senator Chesterfield, Senate Bill No. 337 was withdrawn from the Committee on EDUCATION, 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. 337

Amend Senate Bill No. 337 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 45, Subchapter 1 is amended to add an additional section to read as follows:

6-45-111. Early childhood program assessments.

(a) The Division of Child Care and Early Childhood Education shall assess each early childhood program in this state that receives state funding under this subchapter based on nationally recognized standards and assessments that may include without limitation the following components:

- (1) Curriculum and learning environment;
- (2) Training and education of staff;
- (3) Adult-to-child ratios;
- (4) Student assessments;
- (5) Health and safety conditions;
- (6) Family involvement; and
- (7) Site visits.

(b) The certification under § 6-45-109 of a child care facility that has an early childhood program is subject to the review of the assessment by the division.

(c) The division annually shall provide a summary of the results of assessments conducted under this section concerning the quality of the early childhood programs assessed to the Governor, the interim Senate Committee on Education, and the interim House Committee on Education."

(SIGNED) SENATOR LINDA CHESTERFIELD

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 337 was ordered engrossed.

On motion of Senator Hutchinson, **Senate Bill No. 838** was withdrawn from the Committee on JUDICIARY, 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. 838

Amend **Senate Bill No. 838** as originally introduced:

Delete the title in its entirety and substitute:

"AN ACT TO ENACT THE FALSE MEDICAID CLAIMS ACT; TO ENCOURAGE CITIZENS TO FILE LAWSUITS SEEKING RECOVERY OF MONEYS FRAUDULENTLY RECEIVED FROM THE STATE MEDICAID PROGRAM; TO INCREASE THE STATE'S PORTION OF FUNDS RECOVERED IN MEDICAID FRAUD LAWSUITS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO ENACT THE FALSE MEDICAID CLAIMS ACT;
TO ENCOURAGE AND ASSIST THE RECOVERY OF
MONEYS FRAUDULENTLY RECEIVED FROM THE
MEDICAID PROGRAM; TO INCREASE THE
STATE'S PORTION OF FUNDS RECOVERED; TO
DECLARE AN EMERGENCY."

AND

Delete everything after the enactment clause and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 77 is amended to add a new subchapter to read as follows:

Subchapter 20 – FALSE MEDICAID CLAIMS ACT

20-77-2001. Title.

This subchapter shall be known and may be cited as the "False Medicaid Claims Act".

20-77-2002. Findings and intent.

(a) The General Assembly recognizes that the submission of false or fraudulent claims to the Arkansas Medicaid program can and does cause the State Treasury to incur serious financial losses that result in direct harm to the taxpayers of this state.

(b) This subchapter is intended to provide a partial remedy for the harm caused from the submission of false or fraudulent Medicaid claims by providing specific procedures to allow the state and private citizens acting for and on behalf of the state to bring civil actions against persons and entities who have obtained state funds through the submission of false or fraudulent claims to state agencies.

(c) The provisions of this subchapter for double and sometimes treble damages are remedial in purpose and intended not to punish, but to the extent possible make the State Treasury whole for both the direct and indirect losses caused by the submission of false or fraudulent claims resulting in payments by the state or state agencies.

(d) By receiving a portion of the recovery in civil actions brought under this article, whistle blowers are encouraged to contact the Arkansas Medicaid program when they have information about the submission of false or fraudulent claims to the program and are rewarded when their initiative results in civil recoveries for the state.

20-77-2003. Definitions.

As used in this subchapter:

(1)(A) "Claim" means a request or demand under a contract or otherwise for money, property, or services, that is made to the Arkansas Medicaid program, to an officer, an employee, a fiscal intermediary, a grantee, or a contractor of the Arkansas Medicaid program, or to another person or entity that results in a payment by the Arkansas Medicaid program, if the Arkansas Medicaid program:

(i) Provides or will provide any portion of the money or property requested or demanded; or

(ii) Reimburses or will reimburse the contractor, grantee, or other recipient for any portion of the money or property requested or demanded.

(B)(i) "Claim" includes a request or demand made orally, in writing, electronically, or magnetically.

(ii) Regardless of how a claim is submitted, each claim may be treated as a separate claim under this subchapter;

(2)(A) "Knowing" and "knowingly" mean that a person, with respect to information:

(i) Has actual knowledge of the information;

(ii) Acts in deliberate ignorance of the truth or falsity of the information; or

(iii) Acts in reckless disregard of the truth or falsity of the information.

(B) "Knowing" and "knowingly" does not require proof of specific intent to defraud; and

(3) "Person" means an individual or a corporation, a company, an association, a firm, a partnership, a society, a joint-stock company, or any other entity with the capacity to sue or be sued.

20-77-2004. Liability for certain acts.

(a) Except as provided in subsection (b) of this section, a person is liable to the State of Arkansas for a civil penalty of not less than five thousand five hundred dollars (\$5,500) and not more than eleven thousand dollars (\$11,000) for each false or fraudulent claim, plus three (3) times the amount of damages which the Arkansas Medicaid program sustains because of the act of the person, if the person:

(1) Knowingly presents or causes to be presented to the Arkansas Medicaid program a false or fraudulent claim for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Arkansas Medicaid program;

(3) Conspires to defraud the Arkansas Medicaid program by getting a false or fraudulent claim allowed or paid;

(4) Has possession, custody, or control of property or money used or to be used by the Arkansas Medicaid program and, intending to defraud the Arkansas Medicaid program or willfully concealing the property, delivers or causes to be delivered less property than the amount for which the person receives a certificate of receipt;

(5) Being authorized to make or deliver a document certifying receipt of property used or to be used by the Arkansas Medicaid program and intending to defraud the Arkansas Medicaid program, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) Knowingly buys or receives as a pledge of an obligation or debt public property from an officer or employee of the Arkansas Medicaid program that the person lawfully may not sell or pledge; or

(7) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay, repay, or transmit money or property to the State of Arkansas.

(b) A court may assess not more than two (2) times the amount of the actual damages that the Arkansas Medicaid program sustained because of the act of a person if the court finds that:

(1) The person committing the violation of subsection (a) of this section furnished officials of the Arkansas Medicaid program with all information known to the person about the violation within thirty (30) days after the date on which the person first obtained the information;

(2) The person fully cooperated with a government investigation of the violation; and

(3) At the time the person furnished the Arkansas Medicaid program with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this subchapter with respect to the

violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

(c) A person violating this section is also liable to the state for all costs of any civil action to recover the damages and penalties provided under this subchapter.

20-77-2005. Investigation by Attorney General — Civil actions and proceedings.

(a)(1) The Attorney General is authorized to investigate suspected, alleged, and reported violations of this subchapter.

(2) If the Attorney General finds that a person has violated or is violating this subchapter, the Attorney General may bring a civil action against the person under this subchapter.

(b)(1) Subject to the exclusions and limitations provided by this section, a civil action under this subchapter also may be brought by a private person.

(2) A civil action shall be brought in the name of the State of Arkansas.

(3) The civil action may be dismissed only if the court and the Attorney General give written consent to the dismissal and state the reasons for consenting to the dismissal.

(c) If a private person brings a civil action under this subchapter, the person shall follow the following special procedures:

(1) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney General:

(2)(A) The complaint shall be filed in camera, shall remain under seal for at least sixty (60) days, and shall not be served on the defendant until the court so orders.

(B) The purpose of the period under seal shall be to allow the Attorney General to investigate the allegations of the complaint.

(C) The Attorney General may elect to intervene and proceed with the civil action within sixty (60) days after the Attorney General receives both the complaint and the material evidence and information;

(3)(A) The Attorney General for good cause shown may move the court for extensions of the time during which the complaint remains under seal under subdivision (c)(2) of this section.

(B) The motion may be supported by affidavits or other submissions in camera;

(4) Before the expiration of the sixty-day period and any extensions under subdivision (c)(3) of this section, the Attorney General shall:

(A) Proceed with the civil action, in which case the civil action shall be conducted by the Attorney General; or

(B) Notify the court that the Attorney General declines to take over the civil action, in which case the person bringing the civil action shall have the right to proceed with the civil action;

(5) The defendant shall not be required to respond to a complaint filed under this section until thirty (30) days after the complaint is unsealed and served upon the defendant; and

(6) When a person brings a civil action under this subsection, no person other than the Attorney General may intervene or bring a related civil action based on the facts underlying the pending civil action.

(d)(1)(A) If the Attorney General elects to intervene and proceed with the civil action, he or she shall:

(i) Have the primary responsibility for prosecuting the civil action; and

(ii) Not be bound by an act of the person bringing the civil action.

(B) The person that initiated the civil action has the right to continue as a party to the action, subject to the limitations set forth in this subsection.

(2) The Attorney General may dismiss the civil action notwithstanding the objections of the person that initiated the civil action, if the person has been notified by the Attorney General of the filing of the motion for dismissal and the court has provided the person with an opportunity for a hearing on the motion.

(3)(A) The Attorney General may settle the civil action with the defendant notwithstanding the objections of the person that initiated the civil action if the court determines after a hearing that the proposed settlement is fair, adequate, and reasonable under all the circumstances.

(B) Upon a showing of good cause the hearing may be held in camera.

(4) Upon a showing by the Attorney General that unrestricted participation during the course of the litigation by the person that initiated the civil action would interfere with or unduly delay the Attorney General's litigation of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may impose limitations on the person's participation, including without limitation:

(A) Limiting the number of witnesses the person may call;

(B) Limiting the length of the testimony of witnesses the person may call;

(C) Limiting the person's cross-examination of witnesses; and

(D) Otherwise limiting the participation by the person in the litigation.

(e) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person that initiated the civil action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(f)(1) If the Attorney General elects not to proceed with the civil action, the person that initiated the civil action has the right to conduct the civil action.

(2) If requested by the Attorney General, the Attorney General shall be served with copies of all pleadings filed in the civil action and shall be supplied with copies of all deposition transcripts.

(3) If a person proceeds with the civil action, the court may nevertheless permit the Attorney General to intervene at a later date for any purpose, including without limitation the dismissal of the civil action notwithstanding the objections of the person that initiated the civil action if the person has been notified by the Attorney General of the filing of the motion for dismissal and the court has provided the person with an opportunity for a hearing on the motion.

(g)(1) Whether or not the Attorney General proceeds with the civil action, upon a showing by the Attorney General that certain actions of discovery by the person that initiated the civil action would interfere with the Attorney General's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than sixty (60) days.

(2) The showing under subdivision (g)(1) of this section shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the Attorney General has pursued the criminal or civil investigation or proceedings with reasonable diligence and the proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(h)(1) This section does not prevent the Attorney General from electing to pursue the state's claim through any alternative remedy available to the Attorney General, including any administrative proceeding to determine a civil money penalty.

(2) If an alternative remedy is pursued in another proceeding, the person that initiated the civil action has the same rights in the alternative proceeding as the person would have had if the civil action had continued under this section.

(3) A finding of fact or conclusion of law made in an alternative proceeding that has become final is conclusive on all parties to a civil action under this section.

(4) For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the State of Arkansas, if all time for filing an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(i)(1)(A) Except as provided in subdivision (i)(1)(B) of this section, if the Attorney General proceeds with a civil action brought by a private person under subsection (b) of this section, the person shall receive at least fifteen percent (15%) but not more than twenty-five percent (25%) of the proceeds of the civil action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the civil action.

(B) If the court finds that the civil action is based primarily on disclosures of specific information other than information provided by the person bringing the civil action relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or Attorney General hearing, audit, or investigation, or from the news media, the court may award no more than ten percent (10%) of the proceeds of the civil action or settlement of the claim, taking into account the significance of the information and the role of the person bringing the civil action in advancing the case to litigation.

(C)(i) A payment to a person entitled to receive payment under subdivision (i)(1)(A) or subdivision (i)(1)(B) of this section shall be made from the proceeds of the civil action or settlement of the claim.

(ii) The remaining proceeds of the civil action or settlement of the claim shall be paid to the Arkansas Medicaid Program Trust Fund for the sole use of the Arkansas Medicaid program.

(D)(i) A person entitled to receive payment under subdivision (i)(1)(A) or subdivision (i)(1)(B) of this section shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs.

(ii) Expenses, attorney's fees, and costs under subdivision (i)(1)(D)(i) of this section shall be awarded against the defendant.

(2)(A) If the Attorney General does not proceed with a civil action under this section, the person bringing the civil action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages.

(B) The amount shall be not less than twenty-five percent (25%) and not more than thirty percent (30%) of the proceeds of the civil action or settlement and shall be paid out of the proceeds.

(C) The remaining proceeds shall be payable to the Arkansas Medicaid Program Trust Fund for the sole use of the Arkansas Medicaid program.

(D)(i) The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs.

(ii) The expenses, attorney's fees, and costs under subdivision (i)(2)(D)(i) of this section shall be awarded against the defendant.

(3)(A) Whether or not the Attorney General proceeds with the civil action, if the court finds that the civil action was brought by a person that planned and initiated a violation of § 20-77-2004 upon which the civil action was brought, then the court may to the extent the court considers appropriate reduce the share of the proceeds of the civil action or settlement of the claim that the person would otherwise receive under subdivision (i)(1) or subdivision (i)(2) of this section, taking into account the role of the person in advancing the case to litigation and any relevant circumstances pertaining to the violation.

(B)(i) If the person bringing the civil action has pleaded guilty or nolo contendere to or has been found guilty of criminal conduct arising from his or

her role in a violation of § 20-77-2004, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the civil action.

(ii) The dismissal of the person from the civil action shall not prejudice the right of the State of Arkansas to continue the civil action, represented by the Attorney General.

(4) If the Attorney General does not proceed with the civil action and the person bringing the civil action conducts the civil action, the court may award to the defendant its reasonable attorney's fees and expenses against the person bringing the civil action if the defendant prevails in the civil action and the court finds that the claim of the person bringing the civil action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(5) The State of Arkansas shall not be liable for expenses which a private person incurs in bringing a civil action under this subchapter.

(j)(1) For purposes of this subsection:

(A) "Public employee" and "public official" mean a federal, state, county, city, or local employee or official; and

(B) "Public employment" means a federal, state, city, county, or local office or institution.

(2) A civil action shall not be brought under this subchapter by a person who is or was a public employee or public official if the allegations of the civil action are substantially based upon:

(A) Allegations of wrongdoing or misconduct that the person had a duty or obligation to report or investigate within the scope of his or her public employment; or

(B) Information or records to which the person had access as a result of his or her public employment.

(3)(A) A court shall not have jurisdiction over a civil action under this subchapter based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a legislative, administrative, or Attorney General report, hearing, audit, or investigation, or from the news media, unless the civil action is brought by the Attorney General or unless the person bringing the civil action is an original source of the information.

(B) For purposes of subdivision (j)(3)(A) of this section, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the State of Arkansas before filing a civil action under this section based upon the information.

(4) A civil action shall not be brought under this subchapter:

(A) That is based upon allegations or transactions that are the subject of a civil or administrative proceeding to which the State of Arkansas is already party; or

(B) Concerning a claim relating to the assessment, payment, nonpayment, refund, or collection of taxes under Arkansas Code Title 26.

20-77-2006. Burden of proof — Procedure.

(a) In any civil action brought under this subchapter, the State of Arkansas or person bringing the civil action shall be required to prove all essential elements of the cause of civil action, including damages, by a preponderance of the evidence.

(b) Except as otherwise provided in this subchapter, a civil action under this subchapter is governed by the Arkansas Rules of Civil Procedure.

20-77-2007. Private action for retaliation.

(a) An employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this subchapter, including investigation for, initiation of, testimony for, or assistance in an

action filed or to be filed under this subchapter, is entitled to all relief necessary to make the employee whole and any additional relief authorized by this section.

(b) Relief under this section shall include without limitation:

(1) Reinstatement with the same seniority status the employee would have had but for the discrimination;

(2) Two (2) times the amount of back pay and interest on the back pay, if applicable; and

(3) Compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees.

(c) An employee may bring an action in circuit court for the relief provided in this section.

20-77-2008. Time for filing suit.

(a) Except as provided in subsection (b) of this section, a civil action under this subchapter shall be filed pursuant to this section within the later of:

(1) Six (6) years after the date a violation of this subchapter is committed; or

(2) Three (3) years after the date when facts material to the right of civil action are known or reasonably should have been known by the state official charged with the responsibility to act on the material facts.

(b) A civil action shall not be filed more than ten (10) years after the date upon which a violation of this subchapter is committed.

20-77-2009. Venue.

A civil action brought against an individual under this subchapter shall be brought in the county where:

(1) The defendant resides, can be found, transacts business, or commits an act in furtherance of the submittal of a false or fraudulent claim to the Arkansas Medicaid program; or

(2) In the case of multiple defendants or defendants who are not residents of the State of Arkansas, in any county where a defendant resides, can be found, transacts business, or commits an act in furtherance of the submittal of a false or fraudulent claim to the Arkansas Medicaid program.

20-77-2010. Retroactivity.

This subchapter applies to claims filed or presented before, on, or after the effective date of this subchapter.

SECTION 2. Arkansas Code Title 20, Chapter 77, Subchapter 9 is repealed.

Subchapter 9—Medicaid Fraud False Claims Act

20-77-901. Definitions.

As used in this subchapter:

~~(1) "Arkansas Medicaid program" means the program authorized under Title XIX of the federal Social Security Act, which provides for payments for medical goods or services on behalf of indigent families with dependent children and of aged, blind, or disabled individuals whose income and resources are insufficient to meet the cost of necessary medical services;~~

~~(2) "Claim" includes any request or demand, including any and all documents or information required by federal or state law or by rule, made against medical assistance programs funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. A claim may be made through electronic means if authorized by the Department of Human Services. Each claim may be treated as a separate claim, or several claims may be combined to form one claim.~~

~~(3) "Fiscal agent" means any individual, firm, corporation, professional association, partnership, organization, or other legal entity which, through a~~

~~contractual relationship with the Department of Human Services, the State of Arkansas receives, processes, and pays claims under the program;~~

~~(4) "Knowing" or "knowingly" means that the person has actual knowledge of the information or acts in deliberate ignorance or reckless disregard of the truth or falsity of the information;~~

~~(5) "Medicaid recipient" means any individual on whose behalf any person claimed or received any payment or payments from the program or its fiscal agents, whether or not the individual was eligible for benefits under the program;~~

~~(6) "Person" means any provider of goods or services or any employee of the provider, whether that provider be an individual, individual medical vendor, firm, corporation, professional association, partnership, organization, or other legal entity under the program but which provides goods or services to a provider under the program or its fiscal agents; and~~

~~(7) "Records" means all documents in any form, including, but not limited to, medical documents and X rays, prepared by any person for the purported provision of any goods or services to any Medicaid recipient.~~

~~20-77-902. Liability for certain acts.~~

~~A person shall be liable to the State of Arkansas, through the Attorney General, for a civil penalty and restitution if he or she:~~

~~(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under the Arkansas Medicaid program;~~

~~(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to a benefit or payment;~~

~~(3) Having knowledge of the occurrence of any event affecting his or her initial or continued right to any benefit or payment or the initial or continued right to any benefit or payment of any other individual in whose behalf he or she has applied for or is receiving a benefit or payment knowingly conceals or fails to disclose that event with an intent fraudulently to secure the benefit or payment either in a greater amount or quantity than is due or when no benefit or payment is authorized;~~

~~(4) Having made application to receive any benefit or payment for the use and benefit of another and having received it, knowingly converts the benefit or payment or any part thereof to a use other than for the use and benefit of the other person;~~

~~(5) Knowingly presents or causes to be presented a claim for a physician's service for which payment may be made under the program and knows that the individual who furnished the service was not licensed as a physician;~~

~~(6) Knowingly solicits or receives any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind:~~

~~(A) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the program; or~~

~~(B) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under the program;~~

~~(7)(A) Knowingly offers or pays any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person to induce the person:~~

~~(i) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the program; or~~

~~(ii) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under the program.~~

~~(B) Subdivision (7)(A) of this section shall not apply to:~~

~~(i) A discount or other reduction in price obtained by a provider of services or other entity under the program if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under the program;~~

~~(ii) Any amount paid by an employer to an employee who has a bona fide employment relationship with the employer for employment in the providing of covered items or services; or~~

~~(iii) Any amount paid by a vendor of goods or services to a person authorized to act as a purchasing agent for a group of individuals or entities who are furnishing services reimbursed under the program, if:~~

~~(a) The person has a written contract with each individual or entity which specifies the amount to be paid the person, which amount may be a fixed amount or a fixed percentage of the value of the purchases made by each individual or entity under the contract; and~~

~~(b) In the case of an entity that is a provider of services as defined in § 20-9-101, the person discloses, in the form and manner as the Director of the Department of Human Services requires, to the entity and upon request to the director the amount received from each vendor with respect to purchases made by or on behalf of the entity; and~~

~~(iv) Any payment practice specified by the director promulgated pursuant to applicable federal or state law;~~

~~(8) Knowingly makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact:~~

~~(A) With respect to the conditions or operation of any institution, facility, or entity in order that the institution, facility, or entity may qualify either upon initial certification or upon recertification as a hospital, rural primary care hospital, skilled nursing facility, nursing facility, intermediate care facility for the mentally retarded, home health agency, or other entity for which certification is required; or~~

~~(B) With respect to information required pursuant to applicable federal and state law, rules, regulations, and provider agreements;~~

~~(9) Knowingly:~~

~~(A) Charges for any service provided to a patient under the program money or other consideration at a rate in excess of the rates established by the state; or~~

~~(B) Charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under the program, any gift, money, donation, or other consideration other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient as a precondition of admitting a patient to a hospital, nursing facility, or intermediate care facility for the mentally retarded or as a requirement for the patient's continued stay in the facility when the cost of the services provided therein to the patient is paid for in whole or in part under the program;~~

~~(10) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for benefits or for payment in violation of the rules, regulations, and provider agreements issued by the program or its fiscal agents; or~~

~~(11) Knowingly:~~

~~(A) Participates, directly or indirectly, in the Arkansas Medicaid Program after having pleaded guilty or nolo contendere to or been found guilty of a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code, § 5-1-101 et seq.; or~~

~~(B) As a certified health provider enrolled in the Arkansas Medicaid Program pursuant to Title XIX of the Social Security Act or the fiscal agent of such a provider who employs, engages as an independent contractor, engages as a consultant, or otherwise permits the participation in the business activities of such a provider, any person who has pleaded guilty or nolo contendere to or has been~~

~~found guilty of a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code, § 5-1-101 et seq.~~

~~20-77-903. Civil penalties.~~

~~(a)(1) It shall be unlawful for any person to commit any act proscribed by § 20-77-902, and any person found to have committed any such act or acts shall be deemed liable to the State of Arkansas, through the Attorney General, for full restitution and for a civil penalty of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000) for each violation, plus three (3) times the amount of all payments judicially found to have been fraudulently received from the Arkansas Medicaid program or its fiscal agents because of the act of that person, except that if the court finds the following:~~

~~(A) The person committing the violation of this subchapter furnished officials of the Attorney General's office with all information known to the person about the violation within thirty (30) days after the date on which the defendant first obtained the information; and~~

~~(B) The person fully cooperated with any Attorney General's investigation of the violation, and at the time the person furnished the Attorney General with the information about the violation:~~

~~(i) No criminal prosecution, civil action, or administrative action had commenced under this subchapter with respect to the violation; and~~

~~(ii) The person did not have actual knowledge of the existence of an investigation into the violation.~~

~~(2) The court may assess not more than two (2) times the amount of damages which the state sustained because of the act of the person.~~

~~(b) In addition to any other penalties authorized herein, any person violating this subchapter shall also be liable to the State of Arkansas for the Attorney General's reasonable expenses, including the cost of investigation, attorney's fees, court costs, witness fees, and deposition fees.~~

~~(c) The entirety of any penalty less any reward which may be determined by the court pursuant to this subchapter shall be credited as special revenues of the State of Arkansas and deposited into the Arkansas Medicaid Program Trust Fund for the sole use of the program.~~

~~(d) For actions under this subchapter, the following shall apply:~~

~~(1) To enable the court to properly fix the amount of restitution, the Attorney General shall, after appropriate investigation, recommend an amount that would make the victim whole with respect to the money fraudulently received from the program or its fiscal agents, the expense of investigation, and all other measurable monetary damages directly related to the cause of action;~~

~~(2) If the defendant disagrees with the recommendation of the Attorney General, he or she shall be entitled to introduce evidence in mitigation of the amount recommended.~~

~~(e) For actions under this subchapter, whether tried by the court or the jury, the restitution and penalty shall be fixed by the court.~~

~~20-77-904. Investigation by Attorney General.~~

~~(a) If the Attorney General has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation or that would lead to the discovery of relevant information in an investigation for violation of this subchapter, the Attorney General may serve upon the person, before bringing any action in the circuit court, a written demand to appear and be examined under oath, to answer written interrogatories under oath, and to produce the document or object for inspection and copying. The demand shall:~~

~~(1) Be served upon the person in the manner required for service of process in the State of Arkansas or by certified mail with return receipt requested;~~

~~(2) Describe the nature of the conduct constituting the violation under investigation;~~

~~(3) Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified;~~

~~(4) Contain a copy of the written interrogatories;~~

~~(5) Prescribe a reasonable time at which the person must appear to testify, a time within which to answer the written interrogatories, and a time within which the document or object must be produced;~~

~~(6) Advise the person that objections to or reasons for not complying with the demand may be filed with the Attorney General on or before that time;~~

~~(7) Specify a place for the taking of testimony or for production and designate a person who shall be custodian of the document or object; and~~

~~(8) Contain a copy of subsections (b) and (d) of this section.~~

~~(b)(1) If a person objects to or otherwise fails to comply with the written demand served upon him or her under subsection (a) of this section, the Attorney General may file an action in the circuit court for an order to enforce the demand.~~

~~(2) Venue for the action to enforce the demand shall be in Pulaski County.~~

~~(3) Notice of a hearing on the action to enforce the demand and a copy of the action shall be served upon the person in the same manner as that prescribed in the Arkansas Rules of Civil Procedure.~~

~~(4) If the court finds that the demand is proper, that there is reasonable cause to believe there may have been a violation of this subchapter, and that the information sought or document or object demanded is relevant to the violation, it shall order the person to comply with the demand, subject to modifications the court may prescribe.~~

~~(c) If the person fails to comply with the order, the court may issue any of the following orders until the person complies with the order:~~

~~(1) Adjudging the person in contempt of court;~~

~~(2) Granting injunctive relief against the person to whom the demand is issued to restrain the conduct which is the subject of the investigation; or~~

~~(3) Granting other relief as the court may deem proper.~~

~~(d) The court may award to the Attorney General costs and reasonable attorney's fees as determined by the court against the person failing to obey the order.~~

~~(e) Upon motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.~~

~~20-77-905. Order compelling testimony or production of evidence — Immunity — Contempt.~~

~~(a)(1)(A) In any proceeding or investigation under this subchapter, if a person refuses to answer a question or produce evidence of any kind on the ground that he or she may be incriminated and if the Attorney General or prosecuting attorney requests the court in writing to order the person to answer the question or produce the evidence, the court may make this order, and the person shall comply with the order.~~

~~(B) If the court denies the request, the court shall state its reasons for the denial in writing.~~

~~(2) After complying, the testimony or evidence or any information directly derived from the testimony or evidence shall not be used against the person in any proceeding or prosecution of a crime or offense concerning which he or she gave an answer or produced evidence under the court order.~~

~~(3) Immunity obtained pursuant to this section does not exempt any person from prosecution, penalty, or forfeiture for any perjury, false swearing, or contempt committed in answering or failing to answer or in producing or failing to produce evidence in accordance with the order.~~

~~(b) If a person refuses to testify after being granted immunity and after being ordered to testify as prescribed in subsection (a) of this section, he or she may be adjudged in contempt.~~

~~20-77-906. Evidence—Disclosure.~~

~~(a) If the Attorney General determines that disclosure to the respondent of the evidence relied on to establish reasonable cause is not in the best interests of the investigation, he or she may request that the court examine the evidence in camera. If the Attorney General makes this request, the court may examine the evidence in camera and then make its determination.~~

~~(b)(1) Any procedure, testimony taken, or material produced under this section shall be kept confidential by the Attorney General before bringing an action against a person under this subchapter for the violation under investigation unless any of the following applies:~~

~~(A) Confidentiality is waived by the person whose testimony is disclosed;~~

~~(B) Confidentiality is waived by the person who produced to the Attorney General the material being disclosed;~~

~~(C) The testimony or material is disclosed solely to the person, or the person's attorney, who testified or provided the material to the Attorney General; or~~

~~(D) Disclosure is authorized by court order.~~

~~(2) The Attorney General may disclose the testimony or material to an agency director of the State of Arkansas, of the United States, or of any other state, to the prosecuting attorney, or to the United States Attorney.~~

~~(c) An investigator conducting an examination pursuant to this section may exclude from the place of examination any person except the person being examined and the person's counsel.~~

~~(d) Nothing in this section shall be construed to limit the Attorney General's authority to access provider records in accordance with existing provisions of the Arkansas Code of 1987 Annotated.~~

~~20-77-907. Records.~~

~~(a)(1) All persons under the Arkansas Medicaid program are required to maintain at the person's principal place of Medicaid business all records at least for a period of five (5) years from the date of claimed provision of any goods or services to any Medicaid recipient.~~

~~(2)(A) Any person found not to have maintained all records shall be guilty of a Class D felony if the unavailability of records impairs or obstructs a civil action pursuant to this subchapter.~~

~~(B) Otherwise, the unavailability of records shall be a Class A misdemeanor.~~

~~(b)(1) No potential Medicaid recipient shall be eligible for medical assistance unless he or she has authorized in writing the Director of the Department of Human Services to examine all records of his or her own or of those receiving or having received Medicaid benefits through him or her, whether the receipt of the benefits would be allowed by the program or not, for the purpose of investigating whether any person may have violated this subchapter or for use or potential use in any legal, administrative, or judicial proceeding.~~

~~(2) No person shall be eligible to receive any payment from the program or its fiscal agents unless that person has authorized in writing the director to examine all records for the purpose of investigating whether any person may have committed the crime of Medicaid fraud or for use or for potential use in any legal, administrative, or judicial proceeding.~~

~~(c) The Attorney General shall be allowed access to all records of persons and Medicaid recipients under the program to which the director has access for the~~

purpose of investigating whether any person may have violated this subchapter or for use or potential use in any legal, administrative, or judicial proceeding.

~~(d)(1) Records obtained by the director or the Attorney General pursuant to this subchapter shall be classified as confidential information and shall not be subject to outside review or release by any individual except when records are used or potentially to be used by any governmental entity in any legal, administrative, or judicial proceeding.~~

~~(2) Notwithstanding any other law to the contrary, no person shall be subject to any civil or criminal liability for providing access to records to the director, to the Attorney General, or to the prosecuting attorneys.~~

~~20-77-908. False claims jurisdiction — Procedure.~~

~~(a) Any action under this subchapter may be brought in the circuit court of the county where the defendant, or in the case of multiple defendants, any one (1) defendant resides.~~

~~(b) A civil action under this section may not be brought more than five (5) years after the date on which the violation of this subchapter is committed.~~

~~(c) In any action brought pursuant to this subchapter, the State of Arkansas shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.~~

~~(d) A subpoena requiring the production of documents or the attendance of a witness at an interview, trial, or hearing conducted under this section may be served by the Attorney General or any duly authorized law enforcement officer in the State of Arkansas personally, telephonically, or by registered or certified mail. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.~~

~~20-77-909. Injunctions against fraud.~~

~~(a)(1) Whenever it appears that any person is engaged in or intends to engage in the transfer, conversion, or destruction of assets, records, or property in an effort to avoid detection of violations of this subchapter, the Attorney General may apply to the Circuit Court of Pulaski County, or to the court in which the records or property are located, to seize and impound the property.~~

~~(2) The application for an ex parte order shall be in writing, furnish a reasonable basis for the granting of the proposed order, and demonstrate that an emergency exists which would support the granting of the motion.~~

~~(b)(1) If the order is granted, the respondent shall be notified of the order seizing and impounding his or her property immediately after the seizure, or as soon as is reasonably practicable. If, after diligent inquiry, the respondent cannot be located, notice under this subsection may be accomplished by leaving a copy of the order at his or her dwelling house or usual place of abode with some person residing therein who is at least eighteen (18) years of age, or by delivering a copy thereof to a representative at the respondent's place of business who is at least eighteen (18) years of age.~~

~~(2) If the order is granted, the respondent shall be granted a hearing no later than five (5) days after being notified of the property's seizure for the purpose of determining whether the order should be continued.~~

~~(c) The burden at all stages of the proceeding shall be upon the state to prove by a preponderance of the evidence the necessity of the order of seizure.~~

~~20-77-910. Suspension of violators.~~

~~The Director of the Department of Human Services may suspend or revoke the provider agreement between the Department of Human Services and the person in the event that the person is found guilty of violating the terms of this subchapter.~~

~~20-77-911. Reward for the detection and punishment of Medicaid fraud.~~

~~(a) The court is authorized to pay a person sums, not exceeding ten percent (10%) of the aggregate penalty recovered, or in any case not more than one hundred thousand dollars (\$100,000), as it may deem just, for information the person may have provided which led to the detecting and bringing to trial and punishment persons guilty of violating the Medicaid fraud laws.~~

~~(b) Upon disposition of any civil action relating to violations of this subchapter in which a penalty is recovered, the Attorney General may petition the court on behalf of a person who may have provided information which led to the detecting and bringing to trial and punishment persons guilty of Medicaid fraud to reward the person in an amount commensurate with the quality of information determined by the court to have been provided, in accordance with the requirements of this subchapter.~~

~~(c)(1) If the Attorney General elects not to petition the court on behalf of the person, the person may petition the court on his or her own behalf.~~

~~(2) Neither the state nor any defendant within the action shall be liable for expenses which a person incurs in bringing an action under this section.~~

~~(d) Employees or fiscal agents charged with the duty of referring or investigating cases of Medicaid fraud who are employed by or who contract with any governmental entity shall not be eligible to receive a reward under this section.~~

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the statutes authorizing procedures for the recovery of false or fraudulent Medicaid claims are in immediate need of this revision to clarify ambiguities in the law; that an urgent need exists to permit the citizens of the state to help recover public funds and Medicaid moneys that have been wrongfully misappropriated and will otherwise be lost forever; and that the provisions of this act are essential to successful operations and activities of the Medicaid Fraud Control Unit of the Attorney General's Office and the Department of Human Services. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

(SIGNED) SENATOR 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. 838 was ordered engrossed.

On motion of Senator Rapert, [Senate Bill No. 845](#) 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. 845](#)

Amend [Senate Bill No. 845](#) as originally introduced:

Delete Page 2 in its entirety

AND

Page 3, delete lines 1 through 23 and substitute the following:

"(C) In most instances, the woman's only actual contact with the abortion provider occurs simultaneously with the abortion procedure with little opportunity to ask questions about the procedure, potential complications, and proper follow-up care;

(2) For most abortions, the woman arrives at the clinic on the day of the procedure, has the procedure in a room within the clinic, and recovers under the care of clinic staff, all without a hospital admission;

(3)(A) Abortion is an invasive, surgical procedure that can lead to numerous and serious medical complications.

(B) Potential complications for first trimester abortions include, among others, bleeding, hemorrhage, infection, uterine perforation, blood clots, cervical tears, incomplete abortion, retained tissue, failure to actually terminate the pregnancy, free fluid in the abdomen, acute abdomen, missed ectopic pregnancies, cardiac arrest, sepsis, respiratory arrest, reactions to anesthesia, fertility problems, emotional problems, and even death;

(4)(A) The risks for second trimester abortions are greater than for first trimester abortions.

(B) The risk of hemorrhage, in particular, is greater and the resultant complications may require a hysterectomy, other reparative surgery, or a blood transfusion;

(5) As stated in Williamson v. Lee Optical, 348 U.S. 483, 486 (1955), the State of Arkansas has a legitimate concern for the public's health and safety;

(6)(A) As stated in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 846 (1992), the State of Arkansas "has legitimate interests from the outset of the pregnancy in protecting the health of the woman".

(B) As stated in Akron v. Akron Ctr. for Reproductive Health, Inc., 462 U.S. 416, 428 (1983), the State of Arkansas "has a legitimate concern with the health of women who undergo abortions";

(7) Moreover, as stated in Roe v. Wade, 410 U.S. 113, 150 (1973), the State of Arkansas "has a legitimate interest in seeing to it that abortion, like any other medical procedure, is performed under circumstances that insure maximum safety for the patient";

(8) An ambulatory surgery center is a health care facility that specializes in providing surgery services in an outpatient setting; and"

AND

Page 3, line 24, delete "(12)" and substitute "(9)"

AND

Page 3, delete lines 30 through 32 and substitute the following:

"(1) Regulate abortion clinics in a manner consistent with rules applied to ambulatory surgery centers in this state;"

AND

Page 4, delete lines 34 through 36 and substitute the following:

"A violation of this subchapter is a Class A misdemeanor."

AND

Page 5, delete lines 22 through 36

AND

Page 6, delete line 1 and substitute the following:

"20-9-1308. Inspection of abortion facilities.

(a)(1) The Department of Health shall establish policies and procedures for conducting annual inspections of abortion clinics regulated under this subchapter.

(2) The department shall adopt rules for the conduct of on-site inspections to ensure compliance with the requirements of this subchapter.

(b)(1) The department also shall establish policies and procedures for conducting inspections and investigations pursuant to complaints received by the department for alleged violations of the requirements of this subchapter.

(2) The department shall receive, record, and dispose of complaints under the policies and procedures established in this section.

(c) In promulgating rules under subsections (a) and (b) of this section, the department shall specifically include rules protecting the confidentiality of all patient records and patient-identifying information reviewed or accessed during the inspections required under this subchapter."

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 845 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 158** was withdrawn from the Committee on JOINT RETIREMENT AND SOCIAL SECURITY, 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. 158

Amend **Senate Bill No. 158** as originally introduced:

Page 1, line 28, delete "two hundred dollars (\$200)" and substitute "one hundred dollars (\$100)"

(SIGNED) SENATOR JOYCE ELLIOTT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 158 was ordered engrossed.

On motion of Senator Lamoureux, **Senate Bill No. 941** was withdrawn from the Committee on JUDICIARY, 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. 941

Amend **Senate Bill No. 941** as originally introduced:

Delete Sections 3 through 6 and substitute:

"SECTION 3. Arkansas Code § 16-87-213 is amended to read as follows:
 16-87-213. Certificate of indigency.

(a)(1)(A) Any person charged with an offense punishable by imprisonment who desires to be represented by an appointed attorney shall file with the court in which the person is charged a written certificate of indigency.

(B) The certificate of indigency shall be in a form approved by the Arkansas Public Defender Commission and shall be provided by the court in which the person is charged.

(C) The certificate of indigency shall be executed under oath by the person and shall state in bold print that a false statement is punishable as a Class D felony.

(D) Upon execution, the certificate of indigency shall be made a permanent part of the indigent person's records.

(2)(A)(i) If the court in which the person is charged determines that the person qualifies for the appointment of an attorney under standards set by the commission, the court, except as otherwise provided by in this subchapter, shall appoint the trial public defender to represent the person before the court.

(ii) The court shall not appoint counsel ~~prior to~~ before review of the submitted affidavit.

(iii) The commission shall develop and provide affidavit of indigency forms.

(iv) All completed affidavits of indigency shall be entered into the record at the time of appointment.

(v)(a) The court may make a finding of partial indigency and at the time of appointment set an attorney's fee based upon the defendant's ability to pay.

(b) This fee is to be paid by the defendant before the resolution of the case.

(vi) A finding of indigency may be challenged by the commission or its attorneys at the time of the appointment.

(B)(i)(a)(1) At the time of appointment of counsel, the court shall assess a user fee of not less than ten dollars (\$10.00) nor more than ~~one hundred dollars (\$100)~~ two hundred fifty dollars (\$250) to be paid to the commission in order to defray the costs of the public defender system.

(2) Payment of the user fee is to be made before a resolution in the case.

(b) The fee may be waived if the court finds such an assessment to be too burdensome.

(ii)(a) All the user fees shall be collected by the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts and district courts of this state who shall remit to the commission by the tenth day of each month all of the fees collected on forms provided by the commission.

(b) The commission shall deposit the money collected into a separate account within the State Central Services Fund entitled "Public Defender User Fees", where it is to be used for all cases involving a risk of loss of liberty.

(3) The appointing court may at any time review and redetermine whether a person is an indigent person who qualifies for the appointment of an attorney pursuant to under this subchapter.

(b)(1) The State of Arkansas or a county, or both, may file a civil action for recovery of money expended in the representation of a person who is determined by a court not to have been indigent at the time expenditures were made.

(2) Suit shall be brought within three (3) years after the date a certificate of indigency is filed.

(c) Nothing in this section shall be construed to bar a prosecution for perjury or other offenses based on misrepresentation of financial status.

SECTION 4. Arkansas Code § 16-87-303 is amended to read as follows:
16-87-303. Selection and qualifications of public defenders.

(a) Each person selected as a public defender shall be:

- (1) Licensed to practice law in the State of Arkansas; and
- (2) Experienced in the defense of criminal cases.

(b)(1) ~~Any~~ A person interested in being considered for appointment as a public defender in a judicial district shall submit his or her name to the Arkansas Public Defender Commission.

~~(2)(A) The commission shall evaluate and submit up to three (3) names to the judges within the judicial district.~~

~~(B) By majority vote, the judges will select one (1) of the candidates whose name was submitted by the commission as the public defender.~~

~~(C) If one (1) of the candidates submitted does not receive a majority vote from the judges, then the commission shall select the public defender.~~

(2) The executive director of the commission shall consult with the judges within the judicial district prior to hiring a managing or chief public defender.

(c)(1) The public defender in each judicial district shall be appointed for a term of two (2) years and shall be removed by the commission before the expiration of his or her term only for just cause.

(2) Just cause for removal shall consist of permanent physical or mental disability seriously interfering with the performance of duties, willful misconduct in office, willful and persistent failure to perform public defender duties, habitual intemperance, or conduct prejudicial to the administration of justice.

(d) After selecting a qualified candidate, the commission shall notify all judges in the judicial district of the selection.

~~(d)~~(e) The public defender shall be eligible for reappointment.
~~(e)~~(f) Vacancies in the office shall be filled in the same manner as the initial appointment."

(SIGNED) SENATOR MICHAEL LAMOUREUX

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 941 was ordered engrossed.

On motion of Senator Harrelson, Senate Bill No. 861 was withdrawn from the Committee on JUDICIARY, 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. 861

Amend Senate Bill No. 861 as originally introduced:

Page 1, delete lines 24 through 27 and substitute:

"his or her attorney, or if the person is deceased by the executor or administrator of the patient's estate or by the patient's surviving spouse, parent, adult child, or adult sibling upon presentation of an affidavit or heirship from that spouse, parent, child, or sibling, to the information in his or her medical records, upon"

AND

Page 2, delete line 27 and substitute:

"the executor or administrator of the patient's estate, the patient's spouse, parent, adult child, or adult sibling, or attorney may select another doctor in the same"

AND

Page 2, delete lines 34 and 35 and substitute:

"records shall be released to the patient or the patient's guardian, the executor or administrator of the patient's estate, the patient's spouse, parent, adult child, or adult sibling, or attorney."

AND

Page 3, delete lines 4 and 5 and substitute:

"borne by the patient or the patient's guardian, the executor or administrator of the patient's estate, the patient's spouse, parent, adult child, or adult sibling, or attorney."

AND

Page 3, line 13 delete "Correction" and substitute "Correction or the Department of Community Correction"

(SIGNED) SENATOR STEVE HARRELSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 861 was ordered engrossed.

On motion of Senator Lavery, **Senate Bill No. 389** was withdrawn from the Committee on JUDICIARY, 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. 389

Amend **Senate Bill No. 389** as originally introduced:

Page 2, delete lines 25 and 26 and substitute:

"(a)(1) ~~Any~~ The Director of the Department of Human Services or his or her designee, or a person conditionally released pursuant to under § 5-2-314 or § 5-2-315, or both, may"

AND

Page 3, delete lines 8 and 9 and substitute:

"release should be ~~modified or revoked.~~ modified, extended for a period specified by the court not to exceed five (5) years, or revoked."

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 389 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 321** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 321

Amend **Senate Bill No. 321** as engrossed, S3/9/11:

Page 1, line 33, add the following:

"SECTION 2. Arkansas Code § 6-17-414(a)(1)(A), concerning criminal records check as a condition for initial employment of nonlicensed public school personnel, is amended to add an additional subdivision to read as follows:

(v) As used in this section, "nonlicensed staff position" includes parental monitors on school buses as permitted under § 6-19-127."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 321 was ordered engrossed.

On motion of Senator Wyatt, **Senate Bill No. 765** 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. 765

Amend **Senate Bill No. 765** as originally introduced:

Page 1, delete lines 22 through 31 and substitute:

"(6)(A) "Coerce" means:

(i) ~~the failure to act in good faith in~~ Compelling or attempting to compel by threatening, retaliating, using economic force, or by not performing or complying with:

(a) ~~any~~ Any terms or provisions of the franchise or sales and service agreement;

(b) The terms of this chapter; or

(c) The rules promulgated by the Arkansas Motor Vehicle Commission; or

(ii) Threatening to withhold benefits available to other same line make dealers in the state.

(B) "Coerce" does not mean recommending, exposing, persuading, urging, or arguing."

AND

Page 2, delete lines 30 and 31 and substitute:

"for attorney's fees, if none have been awarded in an earlier administrative hearing."

AND

Page 4, delete line 20 and substitute:

"franchise, except when an existing franchisee initiated the relocation."

AND

Page 5, line 5, delete "vehicle;" and substitute "vehicle solely intended to recover the cost of reimbursing the motor vehicle dealer for parts and labor under this chapter;"

AND

Page 5, line 8, delete "chapter" and substitute "chapter."

AND

Page 6, delete lines 9 through 31 and substitute:

"(ii)(a) However, a manufacturer, distributor, second-stage manufacturer, importer, convertor, manufacturer branch or division, or distributor branch or division may, consistent with its allocation obligations at law and to its other same line-make motor vehicle dealers, provide to a motor vehicle dealer a commitment to supply additional vehicles or provide a loan or grant of money as an inducement for the motor vehicle dealer to expand, improve, remodel, alter, or renovate its facilities if the provisions of the commitment are contained in a writing voluntarily agreed to by the dealer and are made available, on substantially similar terms, to any of the licensee's other same line-make dealers who voluntarily agree to make a substantially similar facility expansion, improvement, remodeling, alteration, or renovation.

(b) Subdivisions (a)(2)(Q)(i) – (ii) do not require a manufacturer, distributor, second-stage manufacturer, importer, convertor, manufacturer branch or division, or distributor branch or division to provide financial support for, or contribution to, the purchase sale of the assets of or equity in a motor vehicle dealer or a relocation of a motor vehicle dealer because such support has been provided to other purchases, sales, or relocations.

(c) A manufacturer, distributor, second-stage manufacturer, importer, convertor, manufacturer branch or division, or distributor branch or division shall not take or threaten to take any action that is unfair or adverse to a dealer who does not enter into an agreement pursuant to subdivisions (a)(2)(Q)(i) – (ii).

(d) This subdivision does not affect any contract between a licensee and any of its dealers regarding relocation, expansion, improvement, remodeling, renovation, or alteration which exists on the effective date of this act."

AND

Page 6, line 35, delete "fail to allow" and substitute "unreasonably withhold approval for"

AND

Page 6, line 36, delete "purchase" and substitute "purchase substantially similar"

AND

Page 7, line 1, delete "of like kind and quality" entirely

AND

Page 7, line 8, delete "facilities;" and substitute "facilities unless justified by the technological requirements for the sale or service of a vehicle;"

AND

Page 7, delete line 20 and substitute:

"subdivision (a)(2)(T)(i) is void.

(c) However, this subdivision shall not apply to:

(1) Voluntary agreements where separate and valuable consideration has been offered and accepted; or
(2) Settlement agreements entered into as a result of a dispute."

AND

Page 8, line 9, delete "separate, valuable," and substitute "separate and valuable"

AND

Page 8, line 10, delete "and reasonable" entirely

AND

Page 8, line 33, delete "equal numbers to" and substitute "numbers based on the available inventory, both on the ground and in transit, to"

AND

Page 9, line 1, delete "ten (10)" and substitute "five (5)"

AND

Page 9, delete lines 10 through 14 and substitute:

"(A)(i) To refuse to deliver, in reasonable quantities and within a reasonable time after receipt of a dealer's order to any ~~du~~ licensed motor vehicle"

AND

Page 9, line 30, delete ", or to;" and substitute "; or to"

AND

Page 9, line 35, delete "dealer;" and substitute "dealer."

AND

Page 9, delete line 36 entirely

AND

Page 10, delete lines 1 through 5 entirely

AND

Page 11, line 1, delete "qualified" and substitute "unqualified"

AND

Page 11, line 2, delete "reasonably" entirely

AND

Page 13, line 14, delete "one (1) year" and substitute "sixty (60) days"

AND

Page 13, line 18, delete "distributors," and substitute "distributors or manufacturer,"

AND

Page 13, line 19, delete "new distributor" and substitute "distributor, manufacturer, new distributor,"

AND

Page 13, line 19, delete "the manufacturer" and substitute "new manufacturer"

AND

Page 14, line 29, delete "ninety-day" and substitute "thirty-day"

AND

Page 14, line 35, delete "; or" and substitute "."

AND

Page 14, delete line 36 entirely

Page 15, delete lines 1 through 6 entirely

(SIGNED) SENATOR DAVID WYATT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 765 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 157, BY SENATOR BILL PRITCHARD ET AL,
SENATE BILL NO. 593, BY SENATOR JONATHAN DISMANG ET AL,
SENATE BILL NO. 839, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 845, BY SENATOR JASON RAPERT,
SENATE BILL NO. 951, BY SENATOR JONATHAN DISMANG,

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

On motion of Senator Pritchard, **Senate Bill No. 157** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Dismang **Senate Bill No. 593** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Irvin, **Senate Bill No. 839** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Rapert, **Senate Bill No. 845** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Dismang, **Senate Bill No. 951** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 158, BY SENATOR JOYCE ELLIOTT,

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 Elliott, **Senate Bill No. 158** was ordered re-referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 171, BY SENATOR MARY ANNE SALMON,
SENATE BILL NO. 321, BY SENATOR PERCY MALONE,
SENATE BILL NO. 337, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 578, BY SENATOR GILBERT BAKER,
SENATE BILL NO. 681, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 737, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 884, BY SENATOR JIMMY JEFFRESS ET AL,
SENATE BILL NO. 894, BY SENATOR EDDIE JOE WILLIAMS ET AL,

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

On motion of Senator Salmon, **Senate Bill No. 171** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Malone, **Senate Bill No. 321** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Chesterfield, **Senate Bill No. 337** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Baker, [Senate Bill No. 578](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Dismang, [Senate Bill No. 681](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Chesterfield, [Senate Bill No. 737](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator J. Jeffress, [Senate Bill No. 884](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Williams, [Senate Bill No. 894](#) was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

[SENATE BILL NO. 347](#), BY SENATOR ROBERT THOMPSON,
[SENATE BILL NO. 389](#), BY SENATOR RANDY LAVERTY,
[SENATE BILL NO. 838](#), BY SENATOR JEREMY HUTCHINSON,
[SENATE BILL NO. 861](#), BY SENATOR STEVE HARRELSON,

SENATE BILL NO. 941, BY SENATOR MICHAEL LAMOUREUX,
SENATE BILL NO. 1000, BY SENATOR JOHNNY KEY,

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

On motion of Senator Thompson, [Senate Bill No. 347](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Laverty, [Senate Bill No. 389](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Hutchinson, [Senate Bill No. 838](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Harrelson, [Senate Bill No. 861](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Lamoureux, [Senate Bill No. 941](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Key, [Senate Bill No. 1000](#) was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 518, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 521, BY SENATOR MISSY IRVING,
SENATE BILL NO. 678, BY SENATOR DAVID JOHNSON,

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

On motion of Senator Irvin, **Senate Bill No. 518** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Irvin, **Senate Bill No. 521** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Johnson, **Senate Bill No. 678** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 758, BY SENATOR MICHAEL LAMOUREUX,

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 Lamoureux, **Senate Bill No. 758** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 930, BY SENATOR MISSY IRVIN,

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 Irvin, **Senate Bill No. 930** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 997, BY SENATOR STEPHANIE FLOWERS,

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 Flowers, **Senate Bill No. 997** was ordered re-referred to the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

We, your Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, to whom was referred:

SENATE BILL NO. 348, BY SENATOR MICHAEL LAMOUREUX,
SENATE BILL NO. 349, BY SENATOR MICHAEL LAMOUREUX,

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 GENE JEFFRESS
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

We, your Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, to whom was referred:

HOUSE BILL NO. 1171, BY REPRESENTATIVE MIKE PATTERSON,
HOUSE BILL NO. 1693, BY REPRESENTATIVE JERRY R. BROWN,

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 GENE JEFFRESS
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 815, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 889, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 946, BY SENATOR STEVE HARRELSON,

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 15, 2011

Mr. President:

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

HOUSE BILL NO. 1455, BY REP. JEREMY GILLAM,
HOUSE BILL NO. 1478, BY REP. KATHY WEBB,
HOUSE BILL NO. 1501, BY REP. FREDRICK J. LOVE,
HOUSE BILL NO. 1565, BY REP. DAVID FIELDING,
HOUSE BILL NO. 1601, BY REP. MARY L. SLINKARD,
HOUSE BILL NO. 1897, BY REP. DAVID L. BRANSCUM,

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 15, 2011

Mr. President:

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

SENATE BILL NO. 65, BY SENATOR JIMMY JEFFRESS,
SENATE BILL NO. 66, BY SENATOR JIMMY JEFFRESS,
SENATE BILL NO. 243, BY SENATOR SUE MADISON,
SENATE BILL NO. 259, BY SENATOR SUE MADISON,
SENATE BILL NO. 876, BY SENATOR JAKE FILES,

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 B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 305, BY SENATOR JEREMY HUTCHINSON,

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. 5.

Respectfully submitted,

(SIGNED) SENATOR JACK B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 768, BY SENATOR JEREMY HUTCHINSON,

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 B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 309, BY SENATOR JEREMY HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR JACK B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

HOUSE BILL NO. 1425, BY REP. MARY P. "PRISSY" HICKERSON,
HOUSE BILL NO. 1430, BY REP. ALLEN KERR,
HOUSE BILL NO. 1762, BY REP. TIM SUMMERS,
HOUSE BILL NO. 1816, BY REP. BARRY HYDE,

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 B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

HOUSE BILL NO. 1806, BY REPRESENTATIVE BARRY HYDE,

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 B. CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

HOUSE BILL NO. 1446, BY REPRESENTATIVE DARRIN WILLIAMS,

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 SUE MADISON
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 45, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 221, BY SENATORS JONATHAN DISMANG AND
DAVID JOHNSON ET AL,
SENATE BILL NO. 292, BY SENATOR DAVID WYATT,
SENATE BILL NO. 354, BY SENATOR ROBERT THOMPSON,
SENATE BILL NO. 362, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 363, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 401, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 531, BY SENATOR BILL SAMPLE,

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 9:45 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) LINDA CHESTERFIELD
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 45

SENATE BILL NO. 221

SENATE BILL NO. 292

SENATE BILL NO. 354

SENATE BILL NO. 362

SENATE BILL NO. 363

SENATE BILL NO. 401

SENATE BILL NO. 531

RECEIVED the above papers from the Secretary of the Senate this 15th day of March, 2011 at 9:45 a.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) Rebecca Rains
Secretary

On motion of Senator Sample, **Senate Bill No. 775** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed on the Calendar.

Without objection, **Senate Bill No. 775** was withdrawn by the author.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 765, BY SENATOR DAVID WYATT,

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 Wyatt, **Senate Bill No. 765** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

On motion of Senator Key, **Senate Bill No. 216** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Key, and without objection, **Senate Bill No. 216** was recommended for study in the interim by Senate Interim Committee on JUDICIARY.

On motion of Senator Irvin, **Senate Resolution No. 20** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 20
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR IRVIN**

SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LIFE ACHIEVEMENTS OF VICTOR VAUGHN.

Senate Resolution No. 20 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Hendren, the rules were suspended in considering **Senate Resolution No. 24** at this time.

On motion of Senator Hendren, **Senate Resolution No. 24** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 24
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS HENDREN, BLEDSOE, B. PRITCHARD & MADISON**

SENATE RESOLUTION AN ACT TO COMMEMORATE WALMART CAPITOL DAY ON TUESDAY, MARCH 15, 2011.

Senate Resolution No. 24 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Malone, **Senate Bill No. 319** was placed back on second reading for purpose of Amendments No. 2 & 3.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 319

Amend **Senate Bill No. 319** as engrossed, S3/7/11:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 9-5-110, concerning interagency memoranda of understanding for child safety centers, is amended to add an additional subsection to read as follows:

(d) A memorandum of understanding executed under this section shall include the following provisions that:

(1) When available and appropriate during the course of a child maltreatment investigation on reports of alleged sexual abuse and when appropriate, alleged severe physical abuse, the Child Safety Center shall be utilized for forensic interviews, forensic medical examinations, and forensic mental health examinations; and

(2) The person who conducts the forensic interview shall be:

(A) Adequately trained in interviewing child victims; and

(B) Prepared to testify in any administrative or judicial proceeding regarding the forensic interview."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
 EIGHTY-EIGHTH GENERAL ASSEMBLY
 REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 319

Amend **Senate Bill No. 319** as engrossed, S3/7/11

Add Senators J. Dismang, Laverty, G. Jeffress, J. Jeffress, Madison, Salmon, Fletcher, Elliott, Teague, J. Taylor, L. Chesterfield, Crumbly, D. Wyatt, J. Key as cosponsors 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

Senate Bill No. 319 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 326** was placed back on second reading for purpose of Amendments No. 1 & 2.

ARKANSAS SENATE
 EIGHTY-EIGHTH GENERAL ASSEMBLY
 REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 326

Amend **Senate Bill No. 326** as originally introduced:

Page 1, delete line 34 and substitute the following:

"(2) A school counselor, if the child did not disclose to the teacher;"

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 326

Amend **Senate Bill No. 326** as originally introduced:

Add Senators J. Dismang, Irvin, Laverty, G. Jeffress, J. Jeffress, Madison, Salmon, Fletcher, Elliott, Teague, J. Taylor, L. Chesterfield, Crumbly, D. Wyatt, J. Key as cosponsors of the bill

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 326 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 1004** 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. 1004

Amend **Senate Bill No. 1004** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-27-1903 is amended to read as follows:
20-27-1903. Tobacco use — Prohibitions.

~~Effective July 21, 2006, smoking~~ Smoking is prohibited in any motor vehicle in which a child who is less than ~~six (6)~~ fourteen (14) years of age ~~and who weighs less than sixty pounds (60 lbs.) is restrained in a child passenger safety seat properly secured to the motor vehicle in accordance with The Child Passenger Protection Act, § 27-34-101 et seq~~ is a passenger."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1004 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 320** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 320

Amend **Senate Bill No. 320** as engrossed, S3/10/11

Page 1, line 9, delete "REMOVE" and substitute the following: "EXTEND"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO EXTEND THE STATUTE OF
LIMITATIONS ON SEXUAL OFFENSES."

AND

Page 1, delete line 23 and substitute the following:

"(2) A prosecution may be commenced for a violation of the following offenses, if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached the age of twenty-eight (28) years of age."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 320 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 318** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 318

Amend **Senate Bill No. 318** as engrossed, S3/10/11

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-78-106(c)(2)(C), concerning the availability of records of children's advocacy centers, is amended to add an additional subdivision to read as follows:

(C)(i) The circuit court may enforce the orders with criminal or civil contempt or sanctions, as appropriate.

(ii) The circuit court may modify or vacate a protective order for good cause.

(iii) If a protective order was entered and has not been vacated, the remedy for a violation of the protective order is limited to criminal or civil contempt or sanctions by the circuit court in which the protective order was entered.

SECTION 2. Arkansas Code § 20-78-106, concerning the availability of records of children's advocacy centers, is amended to add an additional subsection to read as follows:

(d) Except for purposes of enforcement concerning violations of a protective order under subsection (c) of this section, disclosure of information in violation of this section is a Class A misdemeanor."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 318 was ordered engrossed.

On motion of Senator Baker, the rules were suspended in considering Senate Bill No. 346 at this time.

On motion of Senator Baker, Senate Bill No. 346 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. 346

Amend Senate Bill No. 346 as originally introduced:

Page 1, line 9, delete "TO DECLARE AN"

AND

Page 1, line 10, delete "EMERGENCY;"

AND

Page 1, line 15, delete "AND TO"

AND

Page 1, line 16, delete "DECLARE AN EMERGENCY"

AND

Page 1, delete line 29 and substitute the following language:
"any existing limitation or cap on available open-enrollment charters, the number of"

AND

Page 1, line 30, delete "slots" and substitute "slots more than the most recent existing limitation or cap on open-enrollment charters"

AND

Page 2, delete SECTION 2 in its entirety

(SIGNED) SENATOR GILBERT BAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 346 was ordered engrossed.

On motion of Senator Hutchinson, **Senate Bill No. 333** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 333

Amend **Senate Bill No. 333** as originally introduced:

Page 1, line 27, delete "is required" and substitute "may, but is not required"

AND

Page 1, line 28, delete quote "to establish" and substitute "for the purpose of establishing"

AND

Page 1, line 30, delete quote "The declaration required in" and substitute "A declaration allowed by"

AND

Page 1, delete line 31 and substitute the following:
"binding on the plaintiff with respect to the amount in controversy unless the plaintiff subsequently amends the"

AND

Page 2, delete lines 1 through 3 and substitute the following:
"General Assembly of the State of Arkansas that complaints are often misconstrued with respect to the amount in controversy; that a plaintiff should be allowed to state with specificity the actual amount sought; that when a plaintiff pleads with particularity the amount in controversy the plaintiff should be bound by that pleading; and"

(SIGNED) REPRESENTATIVE KIM HAMMER

Amendment No. 1 to **Senate Bill No. 333**, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Hutchinson, **Senate Bill No. 333** was called up for third reading and final disposition.

SENATE BILL NO. 333

As Engrossed: H3/3/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS J. DISMANG, BURNETT, FILES, S. FLOWERS, S. HARRELSON, HOLLAND, J. HUTCHINSON, J. KEY, LUKER & R. THOMPSON

BY: REPRESENTATIVES CARTER, CLEMMER, J. EDWARDS, ENGLISH, JEAN, SANDERS, SHEPHERD, VINES, WOODS & WRIGHT

A Bill for an Act to be Entitled: AN ACT REGARDING THE AMOUNT IN CONTROVERSY IN A CIVIL ACTION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 333 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 333**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 333 was ordered enrolled.

On motion of Senator Madison, **Senate Bill No. 858** 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. 858

Amend **Senate Bill No. 858** as originally introduced:

Page 2, line 2 add the following language:

"SECTION 2. Arkansas Code Title 9, Chapter 9, Subchapter 1 is amended to add an additional section to read as follows:

9-9-105. Employee leave for adoption.

(a) As used in this section, "employer" means public and private employers, including state departments, agencies, and political subdivisions.

(b)(1) An employer that permits paternity leave or maternity leave for a biological parent after the birth of a child shall permit paternity or maternity leave for an adoptive parent upon placement of an adoptive child in the adoptive parent's home if requested by the adoptive parent.

(2) If the employer has established a policy that provides leave time for a biological parent after the birth of a child, the same policy shall apply to an adoptive parent upon placement of an adoptive child in the adoptive parent's home.

(3) A request for additional leave due to the placement and adoption of an ill child or a child with a disability shall be considered by the employer on the same basis as comparable cases of complications accompanying the birth of a child to an employee or employee's spouse.

(c) Any other benefit provided by an employer, such as job guarantee or pay guarantee, shall be available to both biological parents and adoptive parents equally.

(d) An employer shall not penalize an employee for exercising his or her rights under this section.

(e) This section does not apply to an adoption:

(1) By the spouse of a custodial parent;

(2) Of a person over eighteen (18) years of age; or

(3) Of a foster child by the child's foster parents.

(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. 858 was ordered engrossed.

On motion of Senator Hutchinson, **Senate Bill No. 207** was called up for the purpose of considering **Amendment No. 1 and Amendment No. 2** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION**

Amendment No. 1 to SENATE BILL NO. 207

Amend **Senate Bill No. 207** as engrossed, S2/7/11:

Page 1, line 6, delete "J. Burris, Carter" and substitute "Carter, J. Burris"

(SIGNED) REPRESENTATIVE JOHN BURRIS

Amendment No. 1 to Senate Bill No. 207, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

**ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION**

Amendment No. 2 to SENATE BILL NO. 207

Amend **House Bill No. 2** as engrossed, S2/7/11:

Delete the title in its entirety and substitute the following:
"AN ACT TO AMEND THE LAW CONCERNING AIRPORT AUTHORITY; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:
"TO AMEND THE LAW CONCERNING AIRPORT AUTHORITY AND TO DECLARE
AN EMERGENCY."

AND

Page 2, line 9, delete "and located"

AND

Page 2, line 10, delete "adjacent to a navigable river"

AND

Page 2, delete lines 14 and 15, and substitute the following:

"same queing access as all commercial shuttles, limos, taxi cabs, airport-owned vans or buses, and valet services.

(C) ~~The~~ For an airport located in a county with a population of at least three hundred sixty thousand (360,000) and in a city with a population of at least one hundred seventy-five thousand (175,000) according to the most recent federal decennial census, tolls and fees fixed by the authority shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the State of Arkansas;

SECTION 2. Arkansas Code § 14-359-109 is amended to read as follows:
14-359-109. Authority of commissioners.

(a)(1) The commissioners appointed under this chapter shall have full and complete authority to manage, operate, improve, extend, and maintain the municipal airport and its related properties and facilities.

(2) The commissioners shall have full and complete charge of the airport and its related properties and facilities, including the right to employ or remove any and all assistants and employees of whatsoever nature, kind, or character and to fix, regulate, and pay their salaries.

(b)(1) It is the intention of this chapter to vest in the commissioners unlimited authority to operate, manage, maintain, improve, and extend the municipally owned airport and its related properties and facilities, and to have full and complete charge of it, including without limitation the authority to charge and collect tolls and fees from vehicles accessing or departing from the airport, and to make reasonable tolls and fees in accordance with industry standards and to make reasonable classifications of vehicles for this purpose.

(2)(A) The tolls or fees levied for use of airport roads by private off-facility parking services at an airport located in a county with a population of at least three hundred sixty thousand (360,000) and in a city with a population of at least one hundred seventy-five thousand (175,000) according to the most recent federal decennial census, shall not exceed the local sales tax rate of the municipality in which the airport is located.

(B) Private off-facility parking services shall have full access to drop off and pick up airport passengers and the same queing access as all commercial shuttles, limos, taxi cabs, airport-owned vans or buses, and valet services.

(C) For an airport located in a county with a population of at least three hundred sixty thousand (360,000) and in a city with a population of at least one hundred seventy-five thousand (175,000) according to the most recent federal decennial census, tolls and fees fixed by the authority shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the State of Arkansas.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that some tolls and fees being charged by airports in the state are much higher than the local sales tax rate; that this is inequitable; and that this act is immediately necessary because there is a high potential for an illegal exaction lawsuit against these airports. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

(SIGNED) REPRESENTATIVE DAVY CARTER

Amendments No. 1 and No. 2 to Senate Bill No. 207, adopted by the House, were read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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, Senate Bill No. 207 was called up for third reading and final disposition.

SENATE BILL NO. 207

As Engrossed: S2/7/11 H2/23/11 H3/4/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

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

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

A Bill for an Act to be Entitled: *AN ACT TO AMEND THE LAW CONCERNING AIRPORT AUTHORITY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Senate Bill No. 207 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 207**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 207 was ordered enrolled.

On motion of Senator Teague, the rules were suspended in considering House Bill No. 1806 at this time.

On motion of Senator Teague, House Bill No. 1806 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. 1806

Amend House Bill No. 1806 as originally introduced:

Page 45, delete lines 7 and 8

AND

Page 45, line 9, delete "~~(9)~~(10)" and substitute "(9)"

AND

Page 45, line 11, delete "~~(10)~~(11)" and substitute "(10)"

AND

Page 45, line 13, delete "~~(11)~~(12)" and substitute "(11)"

AND

Page 45, line 15, delete "~~(12)~~(13)" and substitute "(12)"

AND

Page 45, line 18, delete "~~(13)~~(14)" and substitute "(13)"

AND

Page 45, line 20, delete "~~(14)~~(15)" and substitute "(14)"

AND

Page 45, line 24, delete "~~(15)~~(16)" and substitute "(15)"

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1806 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Key, **Senate Bill No. 79** was called up for third reading and final disposition.

SENATE BILL NO. 79
As Engrossed: S3/10/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND STATUTES CONCERNING THE ARKANSAS FIRE AND POLICE PENSION REVIEW BOARD; AND FOR OTHER PURPOSES.

Senate Bill No. 79 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 79**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 79 was ordered immediately transmitted to the House.

On motion of Senator Key, **Senate Bill No. 120** was called up for third reading and final disposition.

SENATE BILL NO. 120
As Engrossed: S3/1/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: TO AMEND THE ARKANSAS TEACHER RETIREMENT SYSTEM STATUTES IN TITLE 24, SUBCHAPTER 7, OF THE ARKANSAS CODE.

Senate Bill No. 120 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 120**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 120 was ordered immediately transmitted to the House.

On motion of Senator Key, **Senate Bill No. 126** was called up for third reading and final disposition.

SENATE BILL NO. 126
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE RIGHT OF AN ARKANSAS TEACHER RETIREMENT SYSTEM MEMBER TO REMAIN AN ACTIVE MEMBER WHEN EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION; TO ENABLE INSTITUTIONS OF HIGHER EDUCATION TO RECRUIT EXPERIENCED PUBLIC SCHOOL EMPLOYEES BY ALLOWING THE EMPLOYER TO ENROLL VESTED MEMBERS OF THE ARKANSAS TEACHER RETIREMENT SYSTEM AFTER JULY 1, 2011; TO PROVIDE ACCURATE VERIFICATION AND REPORTING REQUIREMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 126 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 126**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 126 was ordered immediately transmitted to the House.

On motion of Senator Key, **Senate Bill No. 127** was called up for third reading and final disposition.

SENATE BILL NO. 127
As Engrossed: S2/21/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT EMPLOYERS IN THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM MUST MAKE CONTRIBUTIONS FOR BOTH ACTIVE AND RETIRED MEMBERS WHO HAVE RETURNED TO WORK; AND FOR OTHER PURPOSES.

Senate Bill No. 127 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 127 was ordered immediately transmitted to the House as passed.

On motion of Senator Sample, **Senate Bill No. 403** was called up for third reading and final disposition.

SENATE BILL NO. 403
As Engrossed: S3/14/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CAPITOL GROUNDS MONUMENT AND MEMORIAL PRESERVATION *FUND*; TO *DECLARE AN EMERGENCY*; AND FOR OTHER PURPOSES.

Senate Bill No. 403 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, 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	34
NEGATIVE: Hendren.	
Total	1
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 403**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: G. Baker, Bledsoe, Bookout, Burnett, L. Chesterfield, Crumbly, J. Dismang, Elliott, Files, Fletcher, S. Flowers, S. Harrelson, 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.

Total34

NEGATIVE: Hendren.

Total1

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. 403 was ordered immediately transmitted to the House.

On motion of Senator Johnson, **Senate Bill No. 892** was called up for third reading and final disposition.

SENATE BILL NO. 892
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. JOHNSON
BY: REPRESENTATIVE POWERS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY ARKANSAS'S ANTIBULLYING POLICIES FOR PUBLIC SCHOOL STUDENTS; TO PROTECT STUDENT DIGNITY; AND FOR OTHER PURPOSES.

Senate Bill No. 892 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

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

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 892 was ordered immediately transmitted to the House as passed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 346, BY SENATOR GILBERT BAKER ET AL,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

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

On motion of Senator Baker, **Senate Bill No. 346** was called up for third reading and final disposition.

SENATE BILL NO. 346
As Engrossed: S3/15/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS G. BAKER AND BURNETT

A Bill for an Act to be Entitled: *AN ACT TO REMOVE THE LIMITATION ON THE NUMBER OF OPEN-ENROLLMENT CHARTER SCHOOLS; AND FOR OTHER PURPOSES.*

Senate Bill No. 346 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Elliott spoke against the Bill.

Senator Baker closed for his Bill.

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

AFFIRMATIVE: G. Baker, Bledsoe, Bookout, Burnett, J. Dismang, Files, Fletcher, Hendren, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total22

NEGATIVE: L. Chesterfield, Crumbly, Elliott, S. Harrelson, G. Jeffress, J. Jeffress, D. Johnson, Luker, Madison, Teague.

Total10

ABSENT OR NOT VOTING: S. Flowers, Lavery, P. Malone.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....32

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

On motion of Senator Hutchinson, the rules were suspended in considering **Senate Bill No. 834** at this time.

On motion of Senator Hutchinson, **Senate Bill No. 834** was called up for third reading and final disposition.

**SENATE BILL NO. 834
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON**

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE SERVICE CHARGE FOR COLLECTING A HOT CHECK; AND FOR OTHER PURPOSES.

Senate Bill No. 834 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, J. Dismang, Files, Fletcher, S. Harrelson, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, P. Malone, B. Pritchard, Rapert, Salmon, B. Sample, J. Taylor, R. Thompson, E. Williams, D. Wyatt.

Total20

NEGATIVE: Burnett, L. Chesterfield, Crumbly, Elliott, Hendren.

Total5

ABSENT OR NOT VOTING: Bookout, S. Flowers, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Luker, Madison, Teague, Whitaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....25

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

On motion of Senator Wyatt, **House Bill No. 1413** was called up for third reading and final disposition.

HOUSE BILL NO. 1413
As Engrossed: H2/21/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE T. ROGERS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING THE SALARY OF COUNTY EMERGENCY MANAGEMENT PERSONNEL; AND FOR OTHER PURPOSES.

House Bill No. 1413 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. 1413 was ordered immediately returned to the House as passed.

On motion of Senator Thompson, **House Bill No. 1098** was called up for third reading and final disposition.

HOUSE BILL NO. 1098

As Engrossed: H1/25/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES B. WILKINS, LENDERMAN & HUBBARD

A Bill for an Act to be Entitled: AN ACT TO EXEMPT INCINERATOR ASH DERIVED FROM YARD WASTE OR OTHER NATURAL VEGETATIVE DEBRIS FROM THE MONOFILL OR SEPARATE WASTE CELL REQUIREMENT; AND FOR OTHER PURPOSES.

House Bill No. 1098 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 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. 1098 was ordered immediately returned to the House as passed.

On motion of Senator Sample, **House Bill No. 1443** was called up for third reading and final disposition.

HOUSE BILL NO. 1443
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STEWART

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE POWERS AND DUTIES OF THE ARKANSAS MANUFACTURED HOME COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 1443 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. 1443 was ordered immediately returned to the House as passed.

On motion of Senator Salmon, **House Bill No. 1298** was called up for third reading and final disposition.

HOUSE BILL NO. 1298

As Engrossed: S3/14/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

**BY: REPRESENTATIVES J. ROEBUCK, HOBBS, J. DICKINSON, POWERS,
PENNARTZ, CLEMMER & MCCRARY**

BY: SENATORS SALMON AND P. MALONE

A Bill for an Act to be Entitled: *AN ACT TO ENSURE THAT MISSING CHILD INFORMATION WILL BE ENTERED INTO THE MISSING PERSONS INFORMATION CLEARINGHOUSE; AND FOR OTHER PURPOSES.*

House Bill No. 1298 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 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. 1298 was ordered immediately returned to the House as passed as amended.

On motion of Senator Harrelson, **House Bill No. 1439** was called up for third reading and final disposition.

HOUSE BILL NO. 1439
As Engrossed: S3/14/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE HYDE
BY: SENATOR S. HARRELSON

A Bill for an Act to be Entitled: AN ACT TO REGULATE COMMERCIAL LIABILITY POLICIES AND PRACTICES; AND FOR OTHER PURPOSES.

House Bill No. 1439 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. 1439 was ordered immediately returned to the House as passed as amended.

On motion of Senator Elliott, **House Bill No. 1244** was called up for third reading and final disposition.

HOUSE BILL NO. 1244
As Engrossed: H2/1/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE H. WILKINS

A Bill for an Act to be Entitled: *AN ACT TO REPEAL ARKANSAS CODE 17-19-304; AND FOR OTHER PURPOSES.*

House Bill No. 1244 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. 1244 was ordered immediately returned to the House as passed.

On motion of Senator Sample, **House Bill No. 1742** was called up for third reading and final disposition.

**HOUSE BILL NO. 1742
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BARNETT**

A Bill for an Act to be Entitled: AN ACT TO EXTEND THE EXPIRATION DATE OF THE ARKANSAS VOLUNTARY ENHANCED SECURITY DRIVER'S LICENSE AND IDENTIFICATION CARD ACT; AND FOR OTHER PURPOSES.

House Bill No. 1742 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1742**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1742 was ordered immediately returned to the House as passed.

On motion of Senator Fletcher, **House Bill No. 1782** was called up for third reading and final disposition.

**HOUSE BILL NO. 1782
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE B. OVERBEY**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW REGARDING TEMPORARY PREPRINTED PAPER BUYER'S TAGS FOR MOTOR VEHICLES; TO DEFINE "DEALER"; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1782 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1782**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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

House Bill No. 1782 was ordered immediately returned to the House as passed.

On motion of Senator Fletcher, **House Bill No. 1820** was called up for third reading and final disposition.

**HOUSE BILL NO. 1820
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE B. OVERBEY**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT TO COMPLY WITH FEDERAL COMMERCIAL DRIVER LICENSE REGULATIONS; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

House Bill No. 1820 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. 1820 was ordered immediately returned to the House as passed.

On motion of Senator Irvin, **House Bill No. 1555** was called up for third reading and final disposition.

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 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, B. Sample, J. Taylor, Teague, R. Thompson, Whitaker, E. Williams, D. Wyatt.

Total34

NEGATIVE: Salmon.

Total1

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. 1555 was ordered immediately returned to the House as passed.

On motion of Senator Rapert, the rules were suspended in considering **Senate Resolution No. 25** at this time.

On motion of Senator Rapert, **Senate Resolution No. 25** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 25
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR RAPERT**

SENATE RESOLUTION COMMENDING CARE CAP CONNECTIONS
COMMUNITY CANCER PROJECT FOUNDER AND DIRECTOR MARY L. PHILIPS.

Senate Resolution No. 25 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Baker, 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 Baker, the rules were suspended in considering **House Bill No. 1072** at this time.

On motion of Senator Baker, **House Bill No. 1072** was called up for third reading and final disposition.

**HOUSE BILL NO. 1072
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR INVESTMENTS, BENEFITS, REFUNDS AND EXPENSES FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT - ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1072 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 bill27

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. 1072**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1072 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1084** at this time.

On motion of Senator Baker, **House Bill No. 1084** was called up for third reading and final disposition.

**HOUSE BILL NO. 1084
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR STATE TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1084 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	27

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. 1084**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1084 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1085** at this time.

On motion of Senator Baker, **House Bill No. 1085** was called up for third reading and final disposition.

**HOUSE BILL NO. 1085
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES TO THE DEPARTMENT OF CORRECTION FOR THE OPENING OF THE CUMMINS 300-BED TRUSTEE BARRACKS WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 218 OF 2010; AND FOR OTHER PURPOSES.

House Bill No. 1085 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.

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 **House Bill No. 1085**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1085 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1109** at this time.

On motion of Senator Baker, **House Bill No. 1109** was called up for third reading and final disposition.

**HOUSE BILL NO. 1109
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS COURT OF APPEALS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1109 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	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. 1109**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1109 was ordered immediately transmitted to the House.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1110** at this time.

On motion of Senator Baker, **House Bill No. 1110** was called up for third reading and final disposition.

**HOUSE BILL NO. 1110
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS GOVERNOR'S MANSION COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1110 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	27

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. 1110**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1110 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1121** at this time.

On motion of Senator Baker, **House Bill No. 1121** was called up for third reading and final disposition.

**HOUSE BILL NO. 1121
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1121 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	27

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. 1121**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1121 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1152** at this time.

On motion of Senator Baker, **House Bill No. 1152** was called up for third reading and final disposition.

**HOUSE BILL NO. 1152
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF INFORMATION SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1152 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	27

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. 1152**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1152 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1187** at this time.

On motion of Senator Baker, **House Bill No. 1187** was called up for third reading and final disposition.

**HOUSE BILL NO. 1187
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS WATERWAYS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1187 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	27

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. 1187**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1187 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1210** at this time.

On motion of Senator Baker, **House Bill No. 1210** was called up for third reading and final disposition.

**HOUSE BILL NO. 1210
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - ARKANSAS STATE LIBRARY FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1210 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	27

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. 1210**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1210 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1271** at this time.

On motion of Senator Baker, **House Bill No. 1271** was called up for third reading and final disposition.

**HOUSE BILL NO. 1271
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PAYMENT OF THE MATURING BONDS AND INTEREST OF THE COLLEGE SAVINGS AND HIGHER EDUCATION GENERAL OBLIGATION BONDS AND THE STATE WATER, WASTE DISPOSAL, AND POLLUTION ABATEMENT GENERAL OBLIGATION BONDS BY THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1271 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	27

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. 1271**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1271 was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1291** at this time.

On motion of Senator Baker, **House Bill No. 1291** was called up for third reading and final disposition.

**HOUSE BILL NO. 1291
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE MILITARY DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1291 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	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. 1291**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1291 was ordered immediately transmitted to the House.

On motion of Senator Baker, the rules were suspended in considering Senate Bill No. 631 at this time.

On motion of Senator Baker, Senate Bill No. 631 was called up for third reading and final disposition.

SENATE BILL NO. 631
As Engrossed: S3/14/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY
BY: REPRESENTATIVES J. BURRIS AND LINCK

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE NORTH ARKANSAS COLLEGE FOR CONSTRUCTION, RENOVATION, FURNISHING, AND EQUIPPING OF CLASSROOMS, OFFICES, AND LABORATORIES; AND FOR OTHER PURPOSES.

Senate Bill No. 631 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	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. 631**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 631 was ordered immediately transmitted to the House.

On motion of Senator Baker, the rules were suspended in considering **Senate Bill No. 644** at this time.

On motion of Senator Baker, **Senate Bill No. 644** was called up for third reading and final disposition.

SENATE BILL NO. 644
As Engrossed: S3/14/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE ARKANSAS SPORTS HALL OF FAME; AND FOR OTHER PURPOSES.

Senate Bill No. 644 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	27

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. 644**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

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 Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 644 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 318, BY SENATOR PERCY MALONE ET AL,
SENATE BILL NO. 319, BY SENATOR PERCY MALONE,
SENATE BILL NO. 320, BY SENATOR PERCY MALONE ET AL,
SENATE BILL NO. 326, BY SENATOR PERCY MALONE,
SENATE BILL NO. 858, BY SENATOR SUE MADISON,
SENATE BILL NO. 1004, BY SENATOR PERCY MALONE,

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 15, 2011

Mr. President:

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

HOUSE BILL NO. 1806, BY REP. BARRY HYDE ET AL,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

Senate Bill No. 47 was returned from the House as passed and ordered enrolled.

Senate Bill No. 132 was returned from the House as passed and ordered enrolled.

Senate Bill No. 193 was returned from the House as passed and ordered enrolled.

Senate Bill No. 475 was returned from the House as passed and ordered enrolled.

Senate Bill No. 477 was returned from the House as passed and ordered enrolled.

Senate Bill No. 478 was returned from the House as passed and ordered enrolled.

Senate Bill No. 479 was returned from the House as passed and ordered enrolled.

Senate Bill No. 480 was returned from the House as passed and ordered enrolled.

Senate Bill No. 481 was returned from the House as passed and ordered enrolled.

Senate Bill No. 482 was returned from the House as passed and ordered enrolled.

Senate Bill No. 483 was returned from the House as passed and ordered enrolled.

Senate Bill No. 484 was returned from the House as passed and ordered enrolled.

Senate Bill No. 485 was returned from the House as passed and ordered enrolled.

Senate Bill No. 529 was returned from the House as passed and ordered enrolled.

Senate Bill No. 530 was returned from the House as passed and ordered enrolled.

Senate Bill No. 621 was returned from the House as passed and ordered enrolled.

Senate Bill No. 656 was returned from the House as passed and ordered enrolled.

STATE OF ARKANSAS

Mike Beebe

Governor

March 15, 2011

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on March 15, 2011, I approved the following measures from the Regular Session of the Eighty-Eighth General Assembly:

Senate Bill No. 27 - ACT 270
Senate Bill No. 252 - ACT 271
Senate Bill No. 260 - ACT 272
Senate Bill No. 264 - ACT 273
Senate Bill No. 310 - ACT 274
Senate Bill No. 341 - ACT 275
Senate Bill No. 400 - ACT 276

Sincerely,

(SIGNED) MIKE BEEBE

Received from the House

HOUSE BILL NO. 1139
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DIVISION OF LEGISLATIVE AUDIT OF THE LEGISLATIVE JOINT AUDITING COMMITTEE FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1139 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1153
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - OFFICE OF CHILD SUPPORT ENFORCEMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1153 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1191
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PROVIDING PAYMENT OF CLAIMS TO SURVIVING SPOUSES AND/OR DEPENDENT CHILDREN OF POLICEMEN, FIREMEN, CORRECTIONAL OFFICERS AND OTHER SPECIFIED STATE EMPLOYEES KILLED IN THE OFFICIAL LINE OF DUTY, AS PRESCRIBED BY LAW; PROVIDING FOR PAYMENT OF SMALL CONTROVERSIAL AND NON-CONTROVERSIAL CLAIMS WHICH HAVE BEEN APPROVED BY THE ARKANSAS STATE CLAIMS COMMISSION; PROVIDING PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE CLAIMS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1191 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1261
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - ARKANSAS SCHOOL FOR THE BLIND FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1261 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1274
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES, OPERATING EXPENSES AND DATA PROCESSING SYSTEM/SERVICES FOR THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

House Bill No. 1274 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1507
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION DIVISION FOR GENERAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1507 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1508
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE STATE MILITARY DEPARTMENT FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1508 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1509
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS AGRICULTURE DEPARTMENT FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1509 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1510
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF PARKS AND TOURISM FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1510 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1511
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS NATURAL RESOURCES COMMISSION FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1511 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1512
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS BUILDING AUTHORITY FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1512 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1513
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS DEPARTMENT OF EMERGENCY MANAGEMENT FOR CAPITAL IMPROVEMENT PROJECT - FSP WAREHOUSE RENOVATION; AND FOR OTHER PURPOSES.

House Bill No. 1513 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1514
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS REAL ESTATE COMMISSION FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES

House Bill No. 1514 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1515
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ECONOMIC DEVELOPMENT COMMISSION FOR VARIOUS CAPITAL PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1515 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1516
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR GENERAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1516 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1517
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE INSTITUTIONS OF HIGHER EDUCATION FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1517 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1518
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, ACQUISITION, IMPROVEMENT, UPGRADE, AND REPAIR OF REAL PROPERTY AND FACILITIES, LEASE PAYMENTS, VARIOUS INDUSTRY AND FARM PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1518 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1519
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF ARKANSAS STATE POLICE FOR BUILDING AND TOWER REMEDIATION OF THE ARKANSAS WIRELESS INFORMATION NETWORK SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 1519 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1520
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE NORTHWEST TECHNICAL INSTITUTE FOR VARIOUS MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, ACQUISITION, IMPROVEMENT, UPGRADE, AND REPAIR OF REAL PROPERTY AND FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1520 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1521
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE CROWLEY'S RIDGE TECHNICAL INSTITUTE FOR MAJOR MAINTENANCE OR REPAIR OF EXISTING FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1521 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1522
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF COMMUNITY CORRECTION FOR VARIOUS MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, CONTRACTING, ACQUISITION, IMPROVEMENT, UPGRADE, AND REPAIR OF REAL PROPERTY AND FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1522 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1523
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1523 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1524
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR VARIOUS CAPITAL PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1524 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1618
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WEBB

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE STATE ATHLETIC COMMISSION FOR STATEWIDE SUPPORT FOR YOUNG MEN'S CHRISTIAN ASSOCIATIONS; AND FOR OTHER PURPOSES.

House Bill No. 1618 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1755
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WEBB

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ECONOMIC DEVELOPMENT COMMISSION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR PLANNING AND DEVELOPMENT DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 1755 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1112
As Engrossed: H3/9/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STEWART

A Bill for an Act to be Entitled: AN ACT TO ALLOW MEMBERS OF THE STATE POLICE RETIREMENT SYSTEM TO PURCHASE CREDITED SERVICE IN THE SYSTEM FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS FOR SERVICE IN THE NATIONAL GUARD OR ARMED FORCES RESERVE; AND FOR OTHER PURPOSES.

House Bill No. 1112 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1213

As Engrossed: H2/21/11 H3/8/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES DEFFENBAUGH AND CARNINE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1213 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1216

As Engrossed: H2/21/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES KERR, MAYBERRY, HOBBS, ENGLISH, CARNINE
& LEA

BY: SENATORS J. HUTCHINSON AND RAPERT

A Bill for an Act to be Entitled: AN ACT TO DEFINE "TERMINATE" AS THAT TERM APPLIES TO ELIGIBILITY FOR RETIREMENT UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1216 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1814
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE HYDE
BY: SENATOR TEAGUE

A Bill for an Act to be Entitled: AN ACT TO ENFORCE THE RULE-MAKING AUTHORITY OF THE INSURANCE COMMISSIONER IN THE CONSTRUCTION OF INSURANCE POLICIES; AND FOR OTHER PURPOSES.

House Bill No. 1814 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE BILL NO. 1815
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE HYDE
BY: SENATOR TEAGUE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE INSURANCE HOLDING COMPANY REGULATORY ACT; AND FOR OTHER PURPOSES.

House Bill No. 1815 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE BILL NO. 2048

As Engrossed: H3/11/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES LINDSEY ET AL

BY: SENATORS *D. WYATT, BOOKOUT, G. BAKER, BURNETT,
L. CHESTERFIELD, J. DISMANG, ELLIOTT, FLETCHER J. HUTCHINSON,
D. JOHNSON, J. KEY, M. LAMOUREUX, LUKER, P. MALONE, SALMON,
TEAGUE, R. THOMPSON & WHITAKER*

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS ACCELERATION FUND WITHIN THE ARKANSAS SCIENCE AND TECHNOLOGY AUTHORITY FOR THE PURPOSE OF ADVANCING THE GROWTH OF HIGH-WAGE, KNOWLEDGE-BASED, AND HIGH-TECHNOLOGY JOBS IN ARKANSAS; TO CREATE THE ARKANSAS ACCELERATION FUND COMMITTEE; AND FOR OTHER PURPOSES.

House Bill No. 2048 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. 2063
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PATTERSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE DEPARTMENT OF INFORMATION SYSTEMS TO DEVELOP AND CLARIFY ACCESSIBILITY STANDARDS FOR THE VISUALLY IMPAIRED; AND FOR OTHER PURPOSES.

House Bill No. 2063 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-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 255, BY SENATOR SUE MADISON,
SENATE BILL NO. 294, BY SENATOR PERCY MALONE,
SENATE BILL NO. 715, BY SENATOR PERCY MALONE,

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 DAVID WYATT
VICE CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

SENATE BILL NO. 92, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 866, BY SENATOR MIKE FLETCHER,

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 DAVID WYATT
VICE CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 15, 2011

Mr. President:

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

HOUSE BILL NO. 1426, BY REPRESENTATIVE DUNCAN BAIRD,
HOUSE BILL NO. 1777, BY REPRESENTATIVE RANDY STEWART,
HOUSE BILL NO. 1949, BY REPRESENTATIVE MARK PERRY,
HOUSE BILL NO. 2038, BY REPRESENTATIVE JOHN T. VINES,

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 DAVID WYATT
VICE CHAIRMAN

SENATE BILLS TRANSMITTED TO THE HOUSEAS PASSED

SENATE BILL NO. 79
SENATE BILL NO. 120
SENATE BILL NO. 126
SENATE BILL NO. 127
SENATE BILL NO. 346
SENATE BILL NO. 403
SENATE BILL NO. 631
SENATE BILL NO. 644
SENATE BILL NO. 834
SENATE BILL NO. 892

HOUSE BILLS RETURNED TO THE HOUSEAS PASSED

HOUSE BILL NO. 1072
HOUSE BILL NO. 1084
HOUSE BILL NO. 1085
HOUSE BILL NO. 1098
HOUSE BILL NO. 1109
HOUSE BILL NO. 1110
HOUSE BILL NO. 1121
HOUSE BILL NO. 1152
HOUSE BILL NO. 1187
HOUSE BILL NO. 1210
HOUSE BILL NO. 1244
HOUSE BILL NO. 1271
HOUSE BILL NO. 1291
HOUSE BILL NO. 1413
HOUSE BILL NO. 1443
HOUSE BILL NO. 1555
HOUSE BILL NO. 1742
HOUSE BILL NO. 1782
HOUSE BILL NO. 1820

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1298 AMENDED NO. 1

HOUSE BILL NO. 1439 AMENDED NO. 1 & 2

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 47

SENATE BILL NO. 132

SENATE BILL NO. 193

SENATE BILL NO. 475

SENATE BILL NO. 477

SENATE BILL NO. 478

SENATE BILL NO. 479

SENATE BILL NO. 480

SENATE BILL NO. 481

SENATE BILL NO. 482

SENATE BILL NO. 483

SENATE BILL NO. 484

SENATE BILL NO. 485

SENATE BILL NO. 529

SENATE BILL NO. 530

SENATE BILL NO. 621

SENATE BILL NO. 656

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1112

HOUSE BILL NO. 1139

HOUSE BILL NO. 1153

HOUSE BILL NO. 1191

HOUSE BILL NO. 1213
HOUSE BILL NO. 1216
HOUSE BILL NO. 1261
HOUSE BILL NO. 1274
HOUSE BILL NO. 1507
HOUSE BILL NO. 1508
HOUSE BILL NO. 1509
HOUSE BILL NO. 1510
HOUSE BILL NO. 1511
HOUSE BILL NO. 1512
HOUSE BILL NO. 1513
HOUSE BILL NO. 1514
HOUSE BILL NO. 1515
HOUSE BILL NO. 1516
HOUSE BILL NO. 1517
HOUSE BILL NO. 1518
HOUSE BILL NO. 1519
HOUSE BILL NO. 1520
HOUSE BILL NO. 1521
HOUSE BILL NO. 1522
HOUSE BILL NO. 1523
HOUSE BILL NO. 1524
HOUSE BILL NO. 1618
HOUSE BILL NO. 1755
HOUSE BILL NO. 1814
HOUSE BILL NO. 1815
HOUSE BILL NO. 2048
HOUSE BILL NO. 2063

On motion of Senator Whitaker, the Senate adjourned until 1:30 p.m.,
Wednesday, March 16, 2011.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE