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

Little Rock, Arkansas
March 24, 2011

The Senate was called to order at 12:30 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 Senator Teague.

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On motion of Senator J. Jeffress, **Senate Bill No. 436** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.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. 436

Amend **Senate Bill No. 436** as engrossed, S3/22/11:

Page 2, delete line 14

AND

Page 2, line 15, delete "~~(B)(iii)~~" and substitute "~~(B)(ii)~~"

AND

Page 2, line 17, delete "~~(C)(iv)~~" and substitute "~~(C)(iii)~~"

AND

Page 2, line 18, delete "~~(D)(v)~~" and substitute "~~(D)(iv)~~"

AND

Page 2, delete line 20 and substitute the following:

"(Q) A public charter school teacher;
~~(16)(R)~~ Each teacher's aide and each student teacher:"

AND

Page 2, line 27, delete "~~(17)(R)~~" and substitute "~~(17)(S)~~"

(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. 436 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On motion of Senator Irvin, **Senate Bill No. 930** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 930

Amend **Senate Bill No. 930** as engrossed, S3/15/11:

Page 2, line 4 delete "enforcement" and substitute "enforcement or corrections"

AND

Page 2, delete lines 5 through 12

AND

Page 2, line 13 delete "(D)" and substitute "(B)"

(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 Hutchinson, **Senate Bill No. 838** 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. 838

Amend **Senate Bill No. 838** as engrossed, S3/15/11:

Page 2, line 10, delete "subchapter for double and sometimes treble" and substitute "subchapter"

AND

Page 2, line 11, delete "damages are" and substitute "are"

AND

Page 2, delete lines 21 through 36 and substitute the following:

"20-77-2003. Definitions.

As used in this subchapter:

(1)(A) "Claim" means a request or demand under a contract or otherwise for money or other property whether or not the State of Arkansas has title to the money or other property that is:

(i) Presented through a state health plan or a state health program to an officer, employee, or agent of the state; or

(ii) Made to a contractor, grantee, or other recipient, if the money or other property is to be spent or used on the state's behalf or to advance a state interest through a state health plan or state health program, and the state:

(a) Provides or has provided any portion of the money or other property requested or demanded; or

(b) Will reimburse the contractor, grantee, or other recipient for any portion of the money or other property that is requested or demanded.

(B) "Claim" does not include requests or demands for money or other property that the state through a state health plan or state health program has paid to an individual as compensation for state employment or as an income subsidy with no restrictions on that individual's use of the money or other property;

(2) "Documentary material" includes:

(A) The original or a copy of:

(i) A book;

(ii) A record;

(iii) A report;

(iv) A memorandum;

(v) A paper;

(vi) A communication;

(vii) A tabulation;

(viii) A chart;

(ix) A document; or

(x) Data compilation stored in or accessible through a computer or other information retrieval system, including instructions and all other materials necessary to use or interpret the data compilation; and

(B) Any product of discovery, including:

(i) The original or duplicate of a deposition, interrogatory, document, thing, result of an inspection of land or other property, examination, or admission that is obtained by any method of discovery in a judicial or administrative proceeding of an adversarial nature;

(ii) A digest, analysis, selection, compilation, or derivation of an item listed in subdivision (3)(B)(i) of this section; and

(iii) An index or other manner of access to an item listed in subdivision (3)(B)(i) of this section;

(3) "Employee" means an individual who performs services:

(A) For and under the control and direction of an employer; and

(B) Under an employer's promise or implied promise of payment of wages or other remuneration;

(4) "Employer" means a person or group of persons that, acting directly or indirectly on behalf of another person or group of persons:

(A) Allows an employee to perform services under the employer's control and direction; and

(B) Promises or implies that the employee will receive wages or other remuneration in payment for the performance of those services;

(5)(A) "Knowing" or "knowingly" means, with respect to information and without requiring proof of specific intent to defraud, that a person:

(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" or "knowingly" does not mean, with respect to information, that a person acts in a manner that constitutes mistake or negligence;

(6) "Material" means having a natural tendency to influence or be capable of influencing the payment or receipt of money or other property;

(7) "Obligation" means an established duty whether or not fixed arising from:

(A) An express or implied:

(i) Contractual relationship;

(ii) Grantor-grantee relationship; or

(iii) Licensor-licensee relationship;

(B) A fee-based or similar relationship;

(C) Statute, rule, or regulation; or

(D) The retention of an overpayment;

(8)(A) "Provider" means:

(i) An individual licensed or certified to provide health care;

(ii) A licensed facility that provides health care to individuals;

(iii) Any other person or entity that provides health care, products, or services to a program recipient; or

(iv) A contractor, subcontractor, or vendor who directly or indirectly provides the Department of Health or the Department of Human Services or their recipients supplies, drugs, equipment, or services.

(B) "Provider" does not include a state agency that receives grant funding from or through the Department of Health or the Department of Human Services if that agency has in place a corporate compliance program that meets departmental requirements;

(9) "Public body" means:

- (A) The General Assembly or any other elected body;
(B) A member or an employee of the General Assembly or other elected body;
(C) A state court;
(D) A member or an employee of a state court;
(E) A state or local regulatory, administrative, or public agency or authority;
(F) An instrumentality of a state or local regulatory, administrative, or public agency or authority;
(G) A state or local law enforcement agency, prosecutorial office, or police or peace officer;
(H) A state or local department of an executive branch of government; or
(I) A division, board, bureau, office, committee, or commission of any of the public bodies listed in this subsection;
- (10) "Retaliatory action" means:
(A) Discharging, suspending, demoting, threatening, harassing, or discriminating against an employee, contractor, or agent; or
(B) Any other adverse action taken against an employee, contractor, or agent relating to the conditions of employment, contract, or agency;
- (11)(A) "State health plan" means:
(i) The state medical assistance program established:
(a) Under the ARKids First Program Act, § 20-77-1101 et seq.; or
(b) In connection with the Arkansas Safety-net Benefit Program under § 23-79-1001 et seq.;
(ii) A medical assistance plan established by the state; or
(iii) A private health insurance carrier, health maintenance organization, managed care organization, health care cooperative or alliance, or another person that provides or contracts to provide health care services that are wholly or partially reimbursed by, or are a required benefit of a health plan established in accordance with:
(a) The federal Social Security Act of 1939;
(b) The Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; or
(c) A state health program.
- (B) "State health plan" includes a person who provides or contracts or subcontracts to provide health care services for an entity described in subdivision (12) of this section;
- (12) "State health program" means a program or unit of the Department of Health or the Department of Human Services that renders a service or pays a provider for a service rendered or claimed to have been rendered to a recipient; and
- (13) "Supervisor" means an individual within an employer's organization who has the authority to:
(A) Direct and control the work performance of an employee; or
(B) Take corrective action regarding the violation of a law, rule, or regulation that is the subject of a complaint or charge under this subchapter.

20-77-2004. Actions subject to discipline — Fines and penalties.

- (a) A person shall not:
(1) Knowingly present or cause to be presented a false or fraudulent claim for payment or approval;
(2) Knowingly make, use, or cause to be made or used a false record or statement material to a false or fraudulent claim;
(3) Conspire to commit a violation under this subchapter;

(4) Have possession, custody, or control of money or other property used by or on behalf of the State of Arkansas under a state health plan or a state health program and knowingly deliver or cause to be delivered to the state less than all of the money or other property;

(5) If authorized to make or deliver a receipt or other document certifying receipt of money or other property used or to be used by the state under a state health plan or a state health program and intending to defraud the state, the Department of Health, or the Department of Human Services, make or deliver a receipt or document knowing that the information contained in the receipt or document is not true;

(6) Knowingly buy or receive as a pledge of an obligation or debt publicly owned property from an officer, employee, or agent of a state health plan or a state health program who lawfully may not sell or pledge the property;

(7) Knowingly make, use, or cause to be made or used, a false record or statement material to an obligation to pay or transmit money or other property to the state;

(8) Knowingly conceal or knowingly and improperly avoid or decrease an obligation to pay or transmit money or other property to the state; or

(9) Knowingly make any other false or fraudulent claim against a state health plan or a state health program.

(b)(1) A person who is found to have violated subsection (a) of this section is liable to the state for:

(A) A civil penalty of not more than ten thousand dollars (\$10,000) for each violation of subsection (a) of this section; and

(B) An additional amount of not more than three (3) times the amount of damages that the state sustains as a result of the acts of the person in violation of subsection (a) of this section.

(2) The total amount owed by a person under subdivision (b)(1) of this section may not be less than the amount of the actual damages the state health plan or state health program incurs as a result of the person's violation of subsection (a) of this section.

(c)(1) In determining the appropriate amount of fines and damages under subsection (b) of this section, the court shall consider:

(A) The number, nature, and severity of the violations of this subchapter for which the person has been found liable;

(B) The number, nature, and severity of any previous violations of this subchapter;

(C) The degree of loss suffered by the state health plan or state health program;

(D) The person's history of billing compliance;

(E) Whether the person has a compliance program in place;

(F) The extent to which the person has taken steps to address and correct the violation since the person became aware of the violation;

(G) The extent to which the violation caused harm or detriment to patients or consumers of the state health plan or state health program;

(H) Any funds previously returned to the state health plan or state health program in compliance with federal requirements regarding overpayments, to the extent the funds represented losses to the state health plan or state health program caused by the violation;

(I) Whether the person self-reported the violation, the timeliness of the self-reporting, the extent to which the person otherwise cooperated in the investigation of the violation, and the extent to which the person had prior knowledge of an investigation or other action relating to the violation; and

(J) Any other factor as justice requires.

(2) In weighing the factors set forth in subdivision (c)(1) of this section, the court, where appropriate, shall give special consideration to:

(A) The extent to which the person's size, operations, or financial condition may have affected each of the factors set forth in subdivision (c)(1) of this section; and

(B) The extent to which the person's size, operations, or financial condition may affect the person's ability to provide care and continue operations after payment of damages and fines.

(d) The penalties provided in subsection (b) of this section are in addition to any criminal, civil, or administrative penalties provided under any other state or federal statute or regulation.

20-77-2005. Civil actions filed by state.

(a) If the State of Arkansas finds that a person has violated or is violating § 20-77-2004(a), the state may file a civil action in a court of competent jurisdiction within the state against the person.

(b) In filing a civil action under this section, the state may seek:

(1) The penalties provided under § 20-77-2004(b); and

(2) Subject to the guidelines set forth in § 20-77-2007(a)(4), court costs and attorney's fees.

20-77-2006. Civil actions filed by persons — Intervention by Attorney General — Stay of discovery.

(a)(1)(A) A person may file a civil action on behalf of the person and the State of Arkansas in a court of competent jurisdiction within the state against a person who has acted or is acting in violation of § 20-77-2004(a).

(B) A civil action filed under subdivision (a)(1)(A) of this section shall be brought in the name of the State of Arkansas.

(2) A person filing an action under this section may seek:

(A) The penalties provided for under § 20-77-2004(b); and

(B) Subject to the guidelines set forth in § 20-77-2004(a)(4), court costs and attorney's fees.

(3)(A) The complaint shall be filed in camera and shall remain under seal for at least sixty (60) days.

(B) The person shall serve on the Attorney General a copy of the complaint and a written disclosure of substantially all material evidence and information that the person possesses, in accordance with Rule 4 of the Arkansas Rules of Civil Procedure.

(C) The complaint may not be served on the defendant until the complaint is unsealed and the court orders the complaint served.

(D) Within sixty (60) days after the Attorney General receives the complaint and the material evidence and information, the Attorney General may elect to intervene and proceed with the action.

(4)(A) For good cause shown, the Attorney General may move the court for extensions of the time during which the complaint remains under seal under subdivision (a)(3)(A) of this section.

(B) A motion made under subdivision (a)(4)(A) of this section may be supported by affidavits or other submissions in camera.

(5)(A) The defendant shall not be required to answer a complaint filed under this section until after the complaint is:

(i) Unsealed and ordered by the court to be served; and

(ii) Served on the defendant in accordance with Rule 4 of the Arkansas Rules of Civil Procedure.

(B) When answering a complaint filed under this section, a defendant shall follow the time frames and other provisions for filing answers to a complaint required by the Arkansas Rules of Civil Procedure.

(C) During the period in which the complaint is under seal, if the Attorney General's investigation reveals that the act, transaction, or occurrence that gave rise to the alleged violation of this subtitle is reasonably likely to be continuing, the Attorney General shall notify the defendant as soon as practicable without jeopardizing the course and conduct of the Attorney General's or the federal government's investigation of the violation, compromising the development of evidence, or violating any state or federal law.

(6) Before the later of the expiration of the sixty-day period during which the complaint remains under seal under subdivision (a)(3)(A) of this section or any extension of the sixty-day period obtained under subdivision (a)(4)(A) of this section, the Attorney General shall:

(A) Intervene and proceed with the action in a court of competent jurisdiction within the state; or

(B) Notify the court that it will not intervene and proceed with the action.

(7) If the Attorney General does not elect to intervene and proceed with the action under subdivision (a)(6) of this section, before unsealing the complaint, the court shall dismiss the action.

(8) If a person initiates an action under this section, no person other than the Attorney General may intervene in the action or initiate a related action based on the facts underlying the pending action.

(b)(1) If the Attorney General intervenes and proceeds with the action under subsection (a)(6)(A) of this section:

(A) The Attorney General shall have the primary responsibility for proceeding with the action and is not be bound by any act of the person who initiated the action; and

(B) Subject to subdivisions (b)(3) through (b)(6) of this section, the person who initiated the action may continue as a party to the action.

(2)(A) During an investigation by the Attorney General conducted either independently or in conjunction with a civil action filed under this subchapter, the Attorney General shall have the same rights of discovery as a civil litigant in the circuit court under the Arkansas Rules of Civil Procedure.

(B) A person from whom the Attorney General seeks discovery shall be considered a party under the Arkansas Rules of Civil Procedure.

(3)(A) Notwithstanding the objections of the person initiating the action, the Attorney General may elect at any point to withdraw its intervention as a party to the action.

(B) If the Attorney General elects to withdraw as a party to the action:

(i) The Attorney General shall notify the court and the party initiating the action; and

(ii) The court shall dismiss the action.

(4) Notwithstanding the objections of the person initiating the action, if the court determines after a hearing that a proposed settlement is fair, adequate, and reasonable under the circumstances, the Attorney General may settle a civil action filed under this section.

(5) On motion of the Attorney General or the defendant or on the court's own motion, the court may impose limitations on the participation of the person initiating an action under this section if:

(A) The Attorney General shows that the person's unrestricted participation in the action would:

(i) Interfere with or delay the Attorney General in its pursuit of the civil action; or

(ii) Be repetitious, irrelevant, or harassing to the defendant; or

(B) The defendant shows that unrestricted participation by the person initiating the action would harass the defendant or cause the defendant undue burden or unnecessary expense.

(6) Limitations imposed by the court under subdivision (b)(5) of this section may include:

(A) A limitation on the number of witnesses the person may call to testify;

(B) A limitation on the length of the testimony of witnesses called by the person;

(C) A limitation on the person's cross-examination of witnesses;
or

(D) A limitation on the participation of the person in the litigation.

(c)(1) Instead of proceeding with a civil action filed under this subchapter, the Attorney General may pursue any alternative remedy available to the Attorney General, including any appropriate administrative proceeding to determine a civil money penalty.

(2) If the Attorney General seeks an alternative remedy in another proceeding after intervening in a civil action filed under this section, the person initiating the action shall have the same rights in the alternative proceeding as the person would have had if the civil action had continued under this section.

(3)(A) A finding of fact or conclusion of law made in any alternative proceeding that has become final shall be conclusive on all parties to an action filed under this subchapter.

(B) For purposes of subdivision (c)(3)(A) of this section, a finding or conclusion is final if:

(i) It has been finally determined on appeal to the appropriate court of the state;

(ii) All time for filing the appeal with respect to the finding or conclusion has expired; or

(iii) The finding or conclusion is not subject to judicial review.

(d)(1) On a showing in camera by the Attorney General that certain actions of discovery by the person initiating the 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 court may extend the sixty-day period on a further showing in camera that:

(A) The Attorney General has pursued the criminal or civil investigation or proceeding with reasonable diligence; and

(B) Any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceeding.

(e) The state is not liable for expenses that a person incurs in bringing an action under this section.

20-77-2007. Awards to or against persons initiating action when the Attorney General intervenes.

(a)(1) If the Attorney General intervenes and proceeds with an action initiated by a person under § 20-77-2006 and the Attorney General prevails, the court shall award the person initiating the action an amount that is:

(A) Not less than fifteen percent (15%) and not more than twenty-five percent (25%) of the proceeds of the action or settlement of the claim; and

(B) Proportional to the amount of time and effort that the person substantially contributed to the final resolution of the civil action.

(2)(A) If the court finds that the action is based primarily on disclosures of specific information relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may make an award to the person initiating the action that:

(i) The court considers appropriate, taking into account the significance of the information and the role of the person initiating the action in advancing the case to litigation; and

(ii) Does not exceed ten percent (10%) of the proceeds of the action.

(B) The information described in subdivision (a)(2)(A) of this section does not include information disclosed and provided by the person initiating the action.

(3) Any payment to a person under subdivision (a)(1) or (a)(2) of this section shall be made from the proceeds of the action.

(4)(A) In addition to the amount provided under subdivision (a)(1) and (2) of this section, a court may award the person initiating the action:

(i) An amount for reasonable expenses that the court finds to have been necessarily incurred; and

(ii) Reasonable attorney's fees and costs.

(B) In determining the amount of any award under subdivision (a)(4)(A)(i) of this section, the court shall consider the amount of any penalties and damages recovered in the action and any other factor as justice may require.

(C) Any expenses, fees, and costs awarded under this paragraph shall be awarded against the defendant.

(b)(1) If a court finds that the action is initiated by a person who planned and initiated or otherwise deliberately participated in the violation on which the action was based, the court may to the extent it considers appropriate reduce the share of the proceeds of the action that the person otherwise would have received under this section.

(2) In reducing the share of the proceeds of the person initiating the action under this subsection, the court shall consider:

(A) The role of the person in advancing the case to litigation;
and

(B) Any relevant circumstances relating to the underlying violation.

(3)(A) If the person initiating a civil action under § 20-77-2006 is convicted of criminal conduct arising from the person's participation in the violation on which the action was based before a final determination of the action, the person:

(i) Shall be dismissed from the action; and

(ii) Shall not receive any share of the proceeds of the action.

(B) The dismissal of the person initiating the action does not prejudice the right of the state to continue the action.

(4) If the person initiating a civil action under § 20-77-2006 is convicted of criminal conduct arising from the person's participation in the violation on which the action was based after the proceeds from the action are awarded to that person, the court shall order the person to repay the proceeds previously awarded.

(c) A court may award reasonable attorney's fees and expenses to a defendant and against the person initiating the action if:

(1) The defendant prevails in the action; and

(2) The court finds that the claim of the person initiating the action was brought primarily for purposes of harassment or otherwise brought in bad faith.

20-77-2008. Civil actions by or against government employees — Other proceedings.

(a) A court in this state shall not have jurisdiction over an action filed under § 20-77-2004 against any member of the General Assembly, a judge of the Supreme Court, Court of Appeals, a circuit court, or a district court, or any member of the office of the Governor, the Attorney General, the Treasurer of State, or member of the Executive Branch, if the action is based on evidence or information known to the state when the action was filed.

(b) 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 action are based substantially on:

(1) Allegations of wrongdoing or misconduct that the person had a duty or obligation to report or investigate within the scope of the person's public employment or office; or

(2) Information or records to which the person had access as a result of the person's public employment or office.

(c) A person may not bring an action under § 20-77-2006 that is based on allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party.

(d)(1) Except as provided in subdivision (d)(2) and (3) of this section, a court in this state shall not have jurisdiction over an action filed under § 20-77-2006 that is based on the public disclosure of allegations or transactions:

(A) In a criminal, civil, or an administrative hearing;

(B) In a legislative report, an administrative report, a hearing, an audit, or an investigation; or

(C) From the news media.

(2) Subdivision (d)(1) of this section does not apply if the action is initiated by a person who:

(A) Has direct and independent knowledge of the information on which the allegations are based; and

(B) Has voluntarily provided the information to the state before filing an action under § 20-70-2006 that is based on the information.

(3) The State of Arkansas through the Attorney General may file a civil action under § 20-70-2005 based on a public disclosure described in subdivision (d)(1) of this section.

(e) A person who is or was employed by the state, a local government, or any other political subdivision of the state as an auditor, investigator, attorney, financial officer, or contracting officer may not bring an action under § 20-77-2006 that is based on allegations or transactions that the person discovered or learned of while acting in the person's capacity as an auditor, investigator, attorney, financial officer, or contracting officer for the state, local government, or other political subdivision of the state.

20-77-2009. Retaliatory actions against employees, contractors, or grantees prohibited.

(a) A person may not take a retaliatory action against an employee, contractor, or grantee because the employee, contractor, or grantee:

(1) Acts lawfully in furtherance of an action filed under this subchapter, including an investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this subchapter;

(2) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of the person that the employee, contractor, or grantee reasonably believes is in violation of § 20-77-2004(a) or a rule adopted under this subchapter;

(3) Provides information to or testifies before a public body conducting an investigation, hearing, or inquiry into a violation of § 20-77-2004(a) or a rule adopted under this subchapter that is allegedly or actually committed by the person; or

(4) Objects to or refuses to participate in any activity, policy, or practice that the employee, contractor, or grantee reasonably believes is in violation of § 20-77-2004(a) or a rule adopted under this subchapter.

(b)(1) An employee, contractor, or grantee may file a civil action against a person other than a supervisor in state government, an appointing authority in state government, or the head of a principal unit in state government if the person takes a retaliatory action against the employee, contractor, or grantee in violation of subsection (a) of this section.

(2) The employee, contractor, or grantee may seek in the civil action:
(A) An injunction to restrain a continuing violation of subsection (a) of this section;
(B) Reinstatement to the same seniority status held before the retaliatory action;
(C) Reinstatement of full fringe benefits and seniority rights;
(D) Two (2) times the amount of lost wages, benefits, and other remuneration, including any interest accumulated;
(E) Payment by the person of reasonable costs and attorney's fees;
(F) Punitive damages;
(G) An assessment of a civil penalty not to exceed:
(i) One thousand dollars (\$1,000) for the first violation;
and
(ii) Five thousand dollars (\$5,000) for each subsequent violation; and
(H) Any other relief necessary to make the employee, contractor, or grantee whole.

(3) The remedies provided for under this section do not diminish or affect the rights, privileges, or remedies available to the employee, contractor, or grantee under:

(A) Any other federal or state statute, rule, or regulation; or
(B) Any collective bargaining agreement or employee contract.
(c) Subsections (a) and (b) of this section do not apply to an employee of a public body.
(d) An employee of a public body who is subject to retaliatory action in violation of subsection (a) of this section may file a grievance against the public body.

20-77-2010. Notice to employees.

An employer shall:

(1) Conspicuously display notices of the protections provided to and obligations required of its employees under this subchapter; and
(2) Use any appropriate means to inform its employees of the protections and obligations provided under this subchapter.

20-77-2011. Limitations, pleadings, and burden of proof for civil actions filed by the State of Arkansas.

(a) A civil action filed under this subchapter may not be filed after the later of:
(1) Six (6) years after the date on which the underlying violation of § 20-77-2004(a) occurred; or
(2) Three (3) years after the date when facts material to the right of action are known or reasonably should have been known by the relator, the Attorney General, or the Director of the Attorney General's Medicaid Fraud Control Unit but in no event more than ten (10) years after the date on which the underlying violation of § 20-77-2004(a) is committed.

(b) A civil action may be filed under this subchapter for activity that occurred prior to the effective date of this subchapter if the limitations period under subsection (a) of this section has not expired.

(c) If the state elects to intervene and proceed with an action brought under this subchapter, the state through the office of the Attorney General may:

(1) File its own complaint; or

(2) Amend the complaint of the person who brought the action to clarify, add detail to the complaint, or add additional claims to the complaint.

(d) To the extent that the claim of the state arises out of the conduct, transactions, or occurrences set forth or attempted to be set forth by a person, a state pleading relates back to the filing date of the complaint of the person who originally brought the action.

(e) In an action filed under this subchapter, all essential elements of the cause of action including damages shall be proven by a preponderance of the evidence.

(f) Notwithstanding any other provision of law or rule of procedure or evidence, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether on a verdict after trial or on a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action filed under this subchapter that involves the same act, transaction, or occurrence as in the criminal proceeding.

20-77-2012. Remedies, coordination of investigations by the State of Arkansas, and rules.

(a) Any remedy provided under this subchapter is in addition to any other appropriate legal or equitable relief provided under any other applicable state or federal statute, rule, or regulation.

(b)(1) The State of Arkansas shall make all reasonable efforts to coordinate any investigation of an alleged violation under this subchapter with any investigation conducted by the federal government involving the same violation.

(2) The state's objective shall be to avoid unnecessary duplication of effort on the part of the person alleged to have committed the violation and to minimize the burden of the investigation on the person.

(c) The Attorney General shall deposit the net proceeds of any civil penalty, damages, or recovery collected under this subchapter into the Arkansas Medicaid Program Trust Fund.

(d) The Attorney General may adopt rules to implement and administer this subchapter.

20-77-2013. Reporting requirements.

(a) Beginning July 1, 2012, the Director of the Medicaid Fraud Control Unit of the Office of the Attorney General shall report annually to the General Assembly the following information for the previous fiscal year:

(1) The number of civil actions filed under this subchapter;

(2) The number of civil actions under this subchapter in which a judgment was entered, whether by settlement or adjudication; and

(3) The number of claims made by the State of Arkansas based on alleged violations of § 20-77-2004(a) that are settled without the filing of a civil action under this subchapter.

(b) Unless the action is under seal in accordance with § 20-77-2006 for each civil action reported under subdivision (a)(1) or (a)(2) of this section, the report shall state:

(1) Whether the action was filed by the state or by a person on behalf of the state and, if filed by a person, whether the state intervened and proceeded with the action;

(2)(A) The name of the defendant and the following information about the defendant:

(i) The number of employees and any other data relevant to the size of the defendant;

(ii) The amount of payments made to the defendant in the year prior to the filing of the action from state health plans and, to the extent known by the Attorney General or the Medicaid Fraud Control Unit, from other sources; and

(iii) Whether the defendant is a minority-owned business enterprise.

(B) As used in this subdivision, "minority-owned business" means a business that is at least fifty-one percent (51%) owned by one (1) or more lawful permanent residents of this state who are:

- (i) African American;
- (ii) Hispanic American;
- (iii) American Indian;
- (iv) Asian American; or
- (v) Pacific Islander American;

(3) A description of the violation or alleged violation of § 20-77-2004;
and

(4) The amount sought in the action and, if applicable, the amount for which the defendant is liable under a settlement agreement or court order.

(c) For each claim reported under subdivision (a)(3) of this section, the report shall state:

- (1) A description of the violation or alleged violation of § 20-77-2004;
- (2) The resolution of the claim;
- (3) The amount, if any, the person against whom the claim was made agreed to pay in settlement of the claim; and
- (4) The amount, if any, collected by the state."

AND

Page 3, delete lines 1 through 36

AND

Page 4, delete lines 1 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 36

AND

Page 8, delete lines 1 through 36

AND

Page 9, delete lines 1 through 36

AND

Page 10, delete lines 1 through 36

AND

Page 11, delete lines 1 through 36

AND

Page 12, delete lines 1 through 23 and substitute the following:

"SECTION 2. Arkansas Code § 23-79-1002 is amended to read as follows:
23-79-1002. Medicaid demonstration initiative.

(a) Subject to obtaining all necessary federal approvals, including approval of a demonstration waiver under section 1115 of the Social Security Act as in effect January 1, ~~2003~~ 2011, the Department of Human Services may administer the Health Insurance Flexibility and Accountability demonstration initiative created in ~~§ 23-79-1004~~ under this subchapter.

(b) Coverage may include certain spouses of covered employed individuals."

AND

Page 12, line 25, delete "SECTION 2" and substitute "SECTION 3"

AND

Page 24, line 13, delete "SECTION 3" and substitute "SECTION 4"

(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.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 436, BY SENATOR JIMMY JEFFRESS,

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 J. Jeffress, **Senate Bill No. 436** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 838, BY SENATOR JEREMY HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Hutchinson, **Senate Bill No. 838** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 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 24, 2011

Mr. President:

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

SENATE BILL NO. 779, BY SENATOR BILL SAMPLE,

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 JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 690, BY SENATOR BILL SAMPLE,

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. 4.

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 836, BY SENATOR JERRY TAYLOR ,

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

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 2141, 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.

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1739, BY REPRESENTATIVE GREG LEDING,

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

Respectfully submitted,

(SIGNED) SENATOR JERRY TAYLOR
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 720, BY SENATOR JONATHAN DISMANG,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass to concur in House amendment Nos. 2 & 3 .

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1895, BY REP. DAVID "BUBBA" POWERS,

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

Respectfully submitted,

(SIGNED) SENATOR JACK CRUMBLY
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 464, BY SENATOR LAMOUREUX,
SENATE BILL NO. 526, BY SENATOR BRUCE HOLLAND,
SENATE BILL NO. 528, BY SENATOR BRUCE HOLLAND,
SENATE BILL NO. 570, BY SENATOR BILL PRITCHARD,
SENATE BILL NO. 571, BY SENATOR BRUCE HOLLAND,
SENATE BILL NO. 572, BY SENATOR BRUCE HOLLAND,
SENATE BILL NO. 602, BY SENATOR JOYCE ELLIOTT,

SENATE BILL NO. 603, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 694, BY SENATOR JOYCE ELLIOTT,

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 GILBERT BAKER
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 867, BY SENATOR SUE MADISON,

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 KIM HENDREN
MEMBER

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 304, BY SENATOR BILL PRITCHARD,

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) SENTOR KIM HENDREN
MEMBER

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1790, BY REP. JOHN CHARLES EDWARDS,
HOUSE BILL NO. 1849, BY REP. DARRIN WILLIAMS,
HOUSE BILL NO. 1926, BY REP. JOHN CHARLES EDWARDS,
HOUSE BILL NO. 2097, BY REP. DARRIN WILLIAMS,

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 KIM HENDREN
MEMBER

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1766, BY REP. JEREMY GILLIAM,
HOUSE BILL NO. 1883, BY REP. MARSHALL WRIGHT,
HOUSE BILL NO. 1971, BY REP. JOHN CHARLES EDWARDS,
HOUSE BILL NO. 1988, BY REP. TRACY PENNARTZ,
HOUSE BILL NO. 2002, BY REP. KELLEY LINCK,

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 24, 2011

Mr. President:

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

HOUSE BILL NO. 1763, BY REPRESENTATIVE CHARLIE COLLINS,

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 GENE JEFFRESS
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1603, BY REP. 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 LINDA CHESTERFIELD
CHAIRMAN

Received from the House

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001

As Engrossed: H3/16/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE CARTER

BY SENATOR E. WILLIAMS

HOUSE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. JAMES MARVIN PARK AND IN RECOGNITION OF HIS CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

ARKANSAS SENATE

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 183, BY SENATOR MICHAEL LAMOUREUX,

SENATE BILL NO. 243, BY SENATOR SUE MADISON AND

SENATOR DAVID JOHNSON,

SENATE BILL NO. 259, BY SENATOR SUE MADISON AND

SENATOR DAVID JOHNSON,

SENATE BILL NO. 290, BY SENATOR GILBERT BAKER AND
SENATOR ROBERT THOMPSON ET AL,
SENATE BILL NO. 423, BY SENATOR PERCY MALONE AND
SENATOR MISSY IRVIN ET AL,
SENATE BILL NO. 513, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 560, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 725, BY SENATOR BILL SAMPLE AND
SENATOR DAVID BURNETT,
SENATE BILL NO. 767, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 785, BY SENATOR JOHNNY KEY,

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 10:00 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) LINDA CHESTERFIELD
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 183
SENATE BILL NO. 243
SENATE BILL NO. 259
SENATE BILL NO. 290
SENATE BILL NO. 423
SENATE BILL NO. 513
SENATE BILL NO. 560
SENATE BILL NO. 725

SENATE BILL NO. 767

SENATE BILL NO. 785

RECEIVED the above papers from the Secretary of the Senate this 24th day of March, 2011 at 10:00 a.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) Rebecca Rains
Secretary

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 150, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 166, BY SENATOR JIM LUKER,
SENATE BILL NO. 226, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 296, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 315, BY SENATOR MARY ANNE SALMON,
SENATE BILL NO. 316, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 330, BY SENATOR JIMMY JEFFRESS,
SENATE BILL NO. 336, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 486, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 518, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 552, BY SENATOR ROBERT THOMPSON,
SENATE BILL NO. 639, BY SENATOR JAKE FILES,

SENATE BILL NO. 676, BY SENATE EFFICIENCY,
SENATE BILL NO. 678, BY SENATOR DAVID JOHNSON
SENATE BILL NO. 696, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 736, BY SENATOR BILL PRITCHARD,
SENATE BILL NO. 764, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 875, BY SENATOR JAKE FILES,
SENATE BILL NO. 876, BY SENATOR JAKE FILES,

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 10:00 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) LINDA CHESTERFIELD
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 150
SENATE BILL NO. 166
SENATE BILL NO. 226
SENATE BILL NO. 296
SENATE BILL NO. 315
SENATE BILL NO. 316
SENATE BILL NO. 330
SENATE BILL NO. 336
SENATE BILL NO. 486
SENATE BILL NO. 518
SENATE BILL NO. 552
SENATE BILL NO. 639

SENATE BILL NO. 676
SENATE BILL NO. 678
SENATE BILL NO. 696
SENATE BILL NO. 736
SENATE BILL NO. 764
SENATE BILL NO. 875
SENATE BILL NO. 876

RECEIVED the above papers from the Secretary of the Senate this 24th day of March, 2011 at 10:00 a.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) Rebecca Rains
Secretary

On motion of Senator Baker, **Senate Bill No. 677** 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. 677

Amend **Senate Bill No. 677** as originally introduced:
Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 19-5-205(e)(4), concerning the State Central Services Fund, is amended to read as follows:

~~(4) Any unexpended and unobligated balance remaining on June 30 of any fiscal year in the State Central Services Fund above five million dollars (\$5,000,000) shall be transferred to the General Revenue Fund Account to be used in the next following fiscal year. In lieu of the transfer requirements under subsection (e) of this section, during the biennial period ending June 30, 2013, to balance the agency budgets to available funding, the Chief Fiscal Officer of the State may enforce budget reductions in each agency that receives funding from the State Central Services Fund in an amount that each agency's proportionate share of total estimated expenditures under subdivision (e)(3)(B)(i) of this section bears to the total estimated expenditures."~~

(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. 677 was ordered engrossed.

On motion of Senator Files, Senate Joint Resolution No. 5 was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

Amendment No. 4 to SENATE JOINT RESOLUTION NO. 5

Amend Senate Joint Resolution No. 5 as engrossed, S3/16/11:
Page 1, line 18, delete "GOVERNMENTAL UNITS" and substitute "A MUNICIPALITY OR COUNTY"

AND

Page 1, line 19, delete "SALES TAX" and substitute "SALES AND USE TAX"

AND

Page 2, line 15, delete "amendment" and substitute "section"

AND

Page 2, line 17, delete "amendment" and substitute "section"

AND

Page 2, line 22, delete "amendment" and substitute "section"

AND

Page 2, line 28, delete "amendment" and substitute "section"

AND

Page 3, line 11, delete "amendment" and substitute "section"

AND

Page 3, delete line 13 and substitute the following:

"section by law."

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Joint Resolution No. 5 was ordered engrossed.

On motion of Senator Laverty, **Senate Bill No. 390** 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. 390

Amend **Senate Bill No. 390** as originally introduced:

Page 3, delete lines 17 through 19 and substitute:

"(i)(1) A person or entity that provides treatment under this subchapter may impose a charge for the cost of the treatment."

AND

Page 3, delete line 21 and substitute "may not exceed the actual cost of the treatment."

AND

Page 3, delete line 24 and substitute "costs of treatment under this subchapter."

AND

Page 3, delete lines 25 through 28 and substitute:

"(B) Rules establishing reasonable charges for costs of treatment under this subchapter shall:

(1) Provide for postponing the collection of the charges based on clinical considerations or the patient's inability to pay, or both; and

(2) Waive charges for treatment of defendants who plead guilty or nolo contendere or are found guilty at trial."

AND

Page 4, delete line 5 and substitute:

"charges for patient treatment."

AND

Page 4, line 7 delete "estate of the patient" and substitute "estate of the patient for"

AND

Page 4, delete lines 14 through 16 and substitute:

"(2) Rules establishing reasonable charges shall:

(A) Provide for postponing the collection of charges based on clinical considerations or the patient's inability to pay, or both; and

(B) Waive charges for treatment of defendants who plead guilty or nolo contendere or are found guilty at trial."

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 390 was ordered engrossed.

On motion of Senator Key, Senate Bill No. 789 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. 789

Amend Senate Bill No. 789 as engrossed, S3/9/11:

Page 1, line 32, delete "plan design, or" and substitute "or"

AND

Page 2, delete lines 6-18 and substitute the following:

"(b) A pharmacy benefits manager shall not interfere with the exercise of professional responsibilities to a patient by a pharmacist or a pharmacy."

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 789 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 840** was 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. 840

Amend **Senate Bill No. 840** as engrossed, S3/10/11:

Page 6, delete lines 13 through 36

AND

Page 7, delete lines 1 through 13 and substitute the following:

"20-16-1305. Criminal Penalties."

AND

Page 7, delete line 16 and substitute the following:

"20-16-1306. Civil Penalties."

AND

Page 7, delete lines 35 and 36

AND

Page 8, delete lines 1 through 20 and substitute the following:

"20-16-1307. Construction."

AND

Page 8, delete line 25 and substitute the following:

"20-16-1308. Right of intervention."

(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. 840 was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 845** was placed back on second reading for purpose of Amendments Nos. 2 & 3.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 845

Amend **Senate Bill No. 845** as engrossed, S3/15/11:

Page 3, delete lines 21 through 23 and substitute the following:

"(1)(A) "Abortion" means the intent to surgically terminate the clinically diagnosable pregnancy of a woman with"

(SIGNED) SENATOR JASON RAPERT

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. 845

Amend **Senate Bill No. 845** as engrossed, S3/15/11:

Page 4, line 7, delete "An abortion" and substitute "A surgical abortion"

(SIGNED) SENATOR JASON RAPERT

The Amendment was read 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 Luker, **Senate Bill No. 679** 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. 679

Amend **Senate Bill No. 679** as engrossed, S3/10/11:

Page 1, line 9 delete "REVOCATION" and substitute "SUPERVISION PROGRAM"

AND

Page 1, line 10 delete "REVOCATION" and substitute "SUPERVISION PROGRAM"

AND

Page 1, line 17 delete "REVOCATION" and substitute "SUPERVISION PROGRAM"

AND

Page 1, line 18 delete "REVOCATION" and substitute "SUPERVISION PROGRAM"

AND

Page 2, delete line 8 and substitute "(2) Probation supervision program;

AND

Page 2, delete line 10 and substitute "(3) Parole supervision program."

(SIGNED) SENATOR JIM LUKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 679 was ordered engrossed.

On motion of Senator Luker, [Senate Bill No. 847](#) 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. 847](#)

Amend [Senate Bill No. 847](#) as originally introduced:

Page 1, delete Section 1 in its entirety and substitute:

"SECTION 1. Arkansas Title 12, Chapter 27 is amended to add a new section to read as follows:

12-27-143. Payment rate for the state, a county, a city, or a law enforcement agency regarding payment to a health care provider for a person in custody — Exceptions.

(a) As used in this section:

(1) "Health care provider" means:

(A) A person licensed to practice any branch of the healing arts;
(B) A person who holds a temporary permit to practice any branch of the healing arts issued by a state board of healing arts;

(C) A person engaged in a postgraduate training program for the healing arts;

(D) A licensed physician assistant;

(E) A medical care facility;

(F) A licensed podiatrist;

(G) A licensed optometrist;

(H) A registered nurse;

(I) An advanced nurse practitioner;

(J) A licensed professional nurse who is authorized to practice as a registered nurse anesthetist;

(K) A licensed practical nurse;

(L) A licensed physical therapist;

(M) A professional corporation, limited liability company, or partnership that is a health care provider as defined by this subsection;

(N) An Arkansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers, or a psychiatric hospital;

(O) A licensed social worker;

(P) A mental health center;

(Q) A mental health clinic; or

(R) Any health care provider licensed by the appropriate regulatory body in another state; and

(2) "Medicaid rate" means the terms, conditions, and amounts a health care provider would be paid for a health care service rendered under a contract or provider agreement with the Department of Human Services.

(b)(1) Except as otherwise provided in this section:

(A) The State of Arkansas;

(B) The Department of Correction;

(C) The Department of Community Correction;

(D) A county;

(E) A city; or

(F) A county or city law enforcement agency;

(2) That makes a payment to a health care provider for health care services rendered to persons in custody shall not exceed:

(A) The lesser of the actual amount billed by such health care provider; or

(B) The medicaid rate.

(c) This section does not apply if a person in custody is covered under a:

(1) Current individual or group accident and health insurance policy;

(2) Medical service plan contract;

(3) Hospital service corporation contract;

(4) Hospital and medical service corporation contract;

(5) Fraternal benefit society; or

(6) Health maintenance organization contract.

(d) This section does not prevent an agency or a political subdivision described in subsection (b) of this section or an agency-authorized vendor or political subdivision-authorized vendor from entering into an agreement with a health care provider for a health care service at terms, conditions, and amounts that are different than the medicaid rate.

(e) With the assistance of the Department of Human Services, an agency or political subdivision described in subsection (b) of this section shall determine the amount payable for a health care service provided to the person in custody and communicate that determination along with the remittance advice and payment for the services provided.

(f) This section does not create a duty on the part of a health care provider to render a health care service to a person in the custody of an agency or political subdivision described in subsection (b) of this section."

(SIGNED) SENATOR JIM LUKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 847 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 791** was 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. 791

Amend **Senate Bill No. 791** as engrossed, S3/21/11:

Page 1, delete line 10 and substitute the following:
 "CHILDREN UNTIL JUNE 30, 2013; AND THE ARKANSAS LEGISLATIVE TASK FORCE ON SICKLE CELL DISEASE UNTIL OCTOBER 1, 2013; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO EXTEND THE OPERATIONS OF THE ARKANSAS LEGISLATIVE TASK FORCES ON ABUSED AND NEGLECTED CHILDREN AND ON SICKLE CELL DISEASE."

AND

Page 2, line 5 add the following

"SECTION 4. Section 4 of Act 1191 of 2009 is amended to read as follows:
 "The Arkansas Legislative Task Force on Sickle Cell Disease expires on October 1, ~~2010~~ 2013."

(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. 791 was ordered engrossed.

On motion of Senator Crumbly, **House Bill No. 1909** 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. 1909

Amend **House Bill No. 1909** as originally introduced:

Page 2, delete line 30 and substitute the following:
~~"of July 1, 2009, through June 30, 2011, on or after July 1, 2009, through June 30, 2013, the"~~

(SIGNED) SENATOR JACK CRUMBLY

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1909 was ordered engrossed.

On motion of Senator Teague, **House Bill No. 2001** 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. 2001

Amend **House Bill No. 2001** as engrossed, H3/9/11:
Page 2, line 11, delete "animal" and substitute "pet"

(SIGNED) SENATOR MICHAEL LAMOUREUX

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2001 was ordered engrossed.

On motion of Senator Baker, **Senate Bill No. 274** 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. 274

Amend **Senate Bill No. 274** as engrossed, S2/21/11:

Page 1, delete line 29 and substitute the following:

~~“thousand five hundred dollars (\$2,500)~~ four thousand dollars (\$4,000), no tax”

AND

Page 2, delete line 1 and substitute the following:

~~“hundred dollars (\$2,500)~~ four thousand dollars (\$4,000), no tax shall be due.”

AND

Page 2, delete lines 3 and 4 and substitute the following:

“SECTION 3. Effective date. Sections 1 and 2 of this act are effective on and after January 1, 2012.”

(SIGNED) REP. BOBBY J. PIERCE

Amendment No. 1 to Senate Bill No. 274, 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 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. 274** was called up for third reading and final disposition.

SENATE BILL NO. 274
As Engrossed: S2/21/11 H3/21/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS G. BAKER, BOOKOUT, R. THOMPSON, WHITAKER, M. LAMOUREUX, BLEDSOE, BURNETT, J. DISMANG, FILES, FLETCHER, S. HARRELSON, HENDREN, HOLLAND, J. HUTCHINSON, IRVIN, J. KEY, B. PRITCHARD, RAPERT, B. SAMPLE, E. WILLIAMS & D. WYATT

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE AMOUNT BELOW WHICH SALES AND USE TAX IS NOT DUE ON THE PURCHASE OF A MOTOR VEHICLE, TRAILER, OR SEMITRAILER; AND FOR OTHER PURPOSES.

Senate Bill No. 274 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. 274 ordered enrolled.

On motion of Senator Sample, **Senate Bill No. 275** 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. 275

Amend **Senate Bill No. 275** as engrossed, S2/21/11:

Page 5, delete lines 34-36 and substitute the following:

“(A) Beginning January 1, 2012, five and one-eighths percent (5.125%);
(B) Beginning January 1, 2013, four and one-eighths percent (4.125%); and
(C) Beginning January 1, 2014, two and five-eighths percent (2.625%).”

AND

Page 6, delete lines 1-3

AND

Page 10, delete lines 17-22 and substitute the following:

“(A) Beginning January 1, 2012, five and one-eighths percent (5.125%);
(B) Beginning January 1, 2013, four and one-eighths percent (4.125%); and
(C) Beginning January 1, 2014, two and five-eighths percent (2.625%).”

(SIGNED) REP. LANE JEAN

Amendment No. 1 to Senate Bill No. 275, 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 Sample, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Sample, **Senate Bill No. 275** was called up for third reading and final disposition.

SENATE BILL NO. 275

As Engrossed: S2/15/11 S2/17/11 S2/21/11 H3/21/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS B. SAMPLE, G. BAKER, BURNETT, J. DISMANG, FILES, FLETCHER, G. JEFFRESS, J. JEFFRESS, M. LAMOUREUX, RAPERT, J. TAYLOR, TEAGUE, J. HUTCHINSON & LUKER

BY: REPRESENTATIVE JEAN

A Bill for an Act to be Entitled: *AN ACT TO DECREASE THE SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY USED BY MANUFACTURERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Senate Bill No. 275 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. 275**, 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 cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 275 ordered enrolled.

On motion of Senator Teague, **Senate Bill No. 276** was called up for the purpose of considering **Amendment No. 2** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 276

Amend **Senate Bill No. 276** as engrossed, S2/15/11:

Add Senator Burnett as a cosponsor of the bill

AND

Add Representatives T. Steele, Allen, D. Altes, Baird, Biviano, T. Bradford, Branscum, J. Brown, J. Burris, Carnine, Carter, Catlett, Cheatham, Clemmer, Collins, L. Cowling, Cozart, Dale, Deffenbaugh, J. Dickinson, J. Edwards, English, Eubanks, Fielding, Garner, Gillam, Hammer, Harris, Hickerson, Hobbs, Hopper, D. Hutchinson, Hyde, Ingram, Jean, Johnston, Kerr, Lampkin, Lea, Leding, Lenderman, Linck, Lindsey, Love, Lovell, S. Malone, Mauch, Mayberry, McCrary, McLean, D. Meeks, S. Meeks, Murdock, Nickels, B. Overbey, Pennartz, Perry, Post, Ratliff, J. Roebuck, T. Rogers, Sanders, Slinkard, G. Smith,

(SIGNED) REP. BOBBY J. PIERCE

Amendment No. 2 to Senate Bill No. 276, 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 Teague, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Teague, **Senate Bill No. 276** was called up for third reading and final disposition.

SENATE BILL NO. 276
As Engrossed: S2/15/11 H3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS TEAGUE, 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, R. THOMPSON, WHITAKER, E. WILLIAMS & D. WYATT
BY: REPRESENTATIVES T. STEELE ET AL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE STATE SALES AND USE TAX RATE ON FOOD AND FOOD INGREDIENTS; TO CONTINUE THE IMPOSITION OF LOCAL SALES AND USE TAX ON FOOD AND FOOD INGREDIENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 276 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. 276**, 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. 276 ordered enrolled.

On motion of Senator Taylor, the rules were suspended in considering **Senate Bill No. 836** at this time.

On motion of Senator Taylor, [Senate Bill No. 836](#) 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. 836](#)

Amend [Senate Bill No. 836](#) as originally introduced:

Page 1, delete lines 21 and 22, and substitute the following:

"SECTION 1. Arkansas Code § 20-80-402(b), concerning the intent of the Commissioner of State Lands Urban Homestead Act, is amended to read as follows:

(b) The further intent of this section is to provide cities, incorporated towns, legal entities that intend to apply for an award of low-income housing tax credits under Section 42 of the Internal Revenue Code, and community organizations the ability to better serve any eligible person in need of a homestead and to provide the eligible person the opportunity to hold and maintain a private residence, and to contribute to the taxing structure of the applicable taxing units.

SECTION 2. Arkansas Code § 20-80-403(1), concerning the definition of "Applicant" under the Commissioner of State Lands Urban Homestead Act, is amended to read as follows:

(1) "Applicant" means any city, incorporated town, legal entity that intends to apply for an award of low-income housing tax credits under Section 42 of the Internal Revenue Code, or community organization applying to the Commissioner of State Lands for donation of tax-forfeited land;

SECTION 3. Arkansas Code § 20-80-405 is amended to read as follows:
20-80-405. Applications for donations.

(a)(1) Applications for donation may be made by the following persons or community organizations:

(A) Agents of cities and incorporated towns which also have one (1) of the community organizations listed in subdivisions (a)(1)(B)(i)-(iv) of this section; or

(B) The chair of the board or executive director of one (1) of the following community organizations:

- (i) A housing authority;
- (ii) A community development agency;
- (iii) A community development corporation; or
- (iv) A local initiative support corporation.

(2) Other community organizations may apply for donation of the land so long as that organization is a nonprofit corporation ~~which~~ that qualifies as an Internal Revenue Service Section 501(c)(3) tax-exempt organization.

(3) A legal entity that intends to apply for an award of federal low-income housing tax credits under Section 42 of the Internal Revenue Code may apply for donation of land under this subchapter only if the legal entity is a qualified nonprofit organization pursuant to Section 42 of the Internal Revenue Code and accompanying regulations and guidance of the Internal Revenue Service.

(b) Any applicant must have legal authority to accept and convey title to properties for homesteading purposes."

(SIGNED) SENATOR JERRY TAYLOR

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 836 was ordered engrossed.

On motion of Senator Dismang, the rules were suspended in considering Senate Bill No. 720 at this time.

On motion of Senator Dismang, Senate Bill No. 720 was called up for the purpose of considering Amendment No. 2 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 720

Amend Senate Bill No. 720 as originally introduced:

Page 2, delete line 18, and substitute the following:

"17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.

(d) A broker's price opinion or market analysis issued by a real estate licensee shall not contain the terms "market value", "appraised value", or "appraisal".

(SIGNED) REP. DARRIN WILLIAMS

Amendment No. 2 to Senate Bill No. 720, 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 Dismang, **Senate Bill No. 720** was called up for the purpose of considering **Amendment No. 3** thereto, adopted by the House.

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

Amendment No. 3 to SENATE BILL NO. 720

Amend **Senate Bill No. 720** as engrossed, H3/14/11:
Delete Representative T. Rogers as a cosponsor of the bill

(SIGNED) REP. DARRIN WILLIAMS

Amendment No. 3 to Senate Bill No. 720, 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 Dismang, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Dismang, **Senate Bill No. 720** was called up for third reading and final disposition.

SENATE BILL NO. 720

As Engrossed: H3/14/11 H3/15/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS J. DISMANG, G. BAKER, BURNETT, L. CHESTERFIELD, FILES, FLETCHER, S. FLOWERS, HOLLAND, J. HUTCHINSON, G. JEFFRESS, J. JEFFRESS, M. LAMOUREUX & B. SAMPLE

BY: REPRESENTATIVES WILLIAMS ET AL

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE ISSUANCE OF A BROKER'S PRICE OPINION BY A REAL ESTATE LICENSEE; AND FOR OTHER PURPOSES.

Senate Bill No. 720 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 720 ordered enrolled.

On motion of Senator Sample, the rules were suspended in considering **Senate Bill No. 690** at this time.

On motion of Senator Sample, **Senate Bill No. 690** was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to SENATE BILL NO. 690

Amend **Senate Bill No. 690** as engrossed, S3/21/11:
Page 1, line 25, delete "shall" and substitute "may"

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 690 was ordered engrossed.

On motion of Senator Dismang, the rules were suspended in considering **House Bill No. 1763** at this time.

On motion of Senator Dismang, **House Bill No. 1763** 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. 1763

Amend **House Bill No. 1763** as engrossed, H3/10/11:

Page 3, delete lines 12 through 25, and substitute the following:

"(a) The Veterinary Medical Examining Board is prohibited from"

AND

Page 3, line 30, delete "(c)(1)" and substitute "(b)(1)"

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1763 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 909, BY SENATOR JOHNNY KEY,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that it do pass as amended No. 2.

Respectfully submitted,

(SIGNED) SENATOR SUE MADISON
CHAIRMAN
SENATOR JOHNNY KEY
SENATOR PAUL BOOKOUT
SENATOR GILBERT BAKER
SENATOR BILL PRITCHARD
SENATOR DAVID JOHNSON

On motion of Senator Williams, **Senate Bill No. 209** was withdrawn from the
Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

On motion of Senator Williams, and without objection, **Senate Bill No. 209** was
recommended for study in the interim by Senate Interim Committee on PUBLIC
HEALTH, WELFARE & LABOR.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 821, BY EDUCATION COMMITTEE,

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

Respectfully submitted,

(SIGNED) SENATOR JIMMY JEFFRESS
CHAIRMAN
SENATOR SUE MADISON
SENATOR JOYCE ELLIOTT
SENATOR JOHNNY KEY
SENATOR G. JEFFRESS
SENATOR KIM HENDREN

The President declared the morning hour to have expired.

On motion of Senator Madison, **Senate Bill No. 246** was called up for third reading and final disposition.

SENATE BILL NO. 246
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MADISON AND D. JOHNSON
BY: REPRESENTATIVES WILLIAMS AND J. EDWARDS

A Bill for an Act to be Entitled: AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 6 OF THE ARKANSAS CODE OF 1987 CONCERNING EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 246 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. 246 was ordered immediately transmitted to the House as passed.

On motion of Senator Wyatt, **Senate Bill No. 765** was called up for third reading and final disposition.

SENATE BILL NO. 765
As Engrossed: S3/15/11 S3/17/11 S3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. WYATT

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS MOTOR VEHICLE COMMISSION ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 765 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 765 was ordered immediately transmitted to the House as passed.

On motion of Senator Dismang, **Senate Bill No. 399** was called up for third reading and final disposition.

SENATE BILL NO. 399
As Engrossed: S3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. DISMANG

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT TOWING OF VEHICLES BY CHAIN, ROPE, OR CABLE; AND FOR OTHER PURPOSES.

Senate Bill No. 399 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. 399 was ordered immediately transmitted to the House as passed.

On motion of Senator Luker, **Senate Bill No. 828** was called up for third reading and final disposition.

**SENATE BILL NO. 828
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LUKER**

A Bill for an Act to be Entitled: AN ACT REGARDING THE BALLOT FORM FOR A JUDICIAL ELECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 828 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bookout, Elliott, S. Flowers, S. Harrelson, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Luker, Madison, Salmon, D. Wyatt.

Total12

NEGATIVE: J. Dismang, Hendren, B. Pritchard, Rapert, B. Sample, Whitaker, E. Williams.

Total7

ABSENT OR NOT VOTING: G. Baker, Bledsoe, Burnett, L. Chesterfield, Crumbly, Files, Fletcher, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, P. Malone, J. Taylor, Teague, R. Thompson.

Total16

VOTING PRESENT:

Total0

Total number of votes cast19

Necessary to the passage of the bill18

So the bill failed.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Laverty, **Senate Bill No. 389** was called up for third reading and final disposition.

SENATE BILL NO. 389
As Engrossed: S3/15/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY
BY: REPRESENTATIVE RICE

A Bill for an Act to be Entitled: AN ACT REGARDING THE RELEASE OF AN ACQUITEE FOR MENTAL DISEASE OR DEFECT; AND FOR OTHER PURPOSES.

Senate Bill No. 389 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. 389 was ordered immediately transmitted to the House as passed.

On motion of Senator Harrelson, **Senate Bill No. 863** was called up for third reading and final disposition.

**SENATE BILL NO. 863
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR S. HARRELSON**

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE PENALTY FOR ABUSE OF A CORPSE; AND FOR OTHER PURPOSES.

Senate Bill No. 863 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. 863 was ordered immediately transmitted to the House as passed.

On motion of Senator Elliott, **Senate Bill No. 806** was called up for third reading and final disposition.

SENATE BILL NO. 806
As Engrossed: S3/21/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ELLIOTT
BY: REPRESENTATIVE MURDOCK

A Bill for an Act to be Entitled: AN ACT TO BE TITLED THE ARKANSAS RESTORATIVE JUSTICE RESPONSIBILITY ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 806 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

Senate Bill No. 806 was ordered immediately transmitted to the House as passed.

On motion of Senator Elliott, **Senate Bill No. 957** was called up for third reading and final disposition.

SENATE BILL NO. 957
As Engrossed: S3/17/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CHARTER SCHOOLS ACT OF 1999; AND FOR OTHER PURPOSES.

- Senator Baker spoke against the Bill.
- Senator Salmon spoke for the Bill.
- Senator Crumbly spoke for the Bill.
- Senator Elliott closed for her Bill.

Senate Bill No. 957 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: L. Chesterfield, Crumbly, Elliott, S. Flowers, S. Harrelson, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Madison, Salmon, J. Taylor, Teague.

Total13

NEGATIVE: G. Baker, Bledsoe, Burnett, J. Dismang, Files, Fletcher, Hendren, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, B. Pritchard, Rapert, B. Sample, Whitaker, E. Williams.

Total17

ABSENT OR NOT VOTING: Bookout, Luker, P. Malone, R. Thompson, D. Wyatt.

Total5

VOTING PRESENT:

Total0

Total number of votes cast30

Necessary to the passage of the bill18

Senator Baker moved that the vote by which **Senate Bill No. 957** failed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

The Chair was unable to determine the outcome by voice vote and asked for a roll call.

AFFIRMATIVE: G. Baker, Bledsoe, Burnett, J. Dismang, Files, Fletcher, Hendren, Holland, Irvin, B. Pritchard, B. Sample, Whitaker, E. Williams.

Total13

NEGATIVE: L. Chesterfield, Crumbly, Elliott, S. Flowers, S. Harrelson, G. Jeffress, J. Jeffress, D. Johnson, Lavery, Madison, Salmon, J. Taylor, Teague.

Total13

ABSENT OR NOT VOTING: Bookout, J. Hutchinson, J. Key, M. Lamoureux, Luker, P. Malone, Rapert, R. Thompson, D. Wyatt.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....26

Necessary to the passage of the bill18

Motion for Clincher failed.

Senator Elliott moved that the record pertaining to the vote by which **Senate Bill No. 957** failed be expunged.

Motion to expunge failed.

On motion of Senator Salmon, **Senate Bill No. 550** was called up for third reading and final disposition.

**SENATE BILL NO. 550
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR SALMON**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PETS ADOPTED THROUGH A POUND, SHELTER, HUMANE ORGANIZATION, OR ANIMAL RESCUE GROUP TO BE STERILIZED BEFORE THE ADOPTION IS COMPLETE; AND FOR OTHER PURPOSES.

Senator Williams spoke for the Bill.

Senator Irvin spoke for the Bill.

Senate Bill No. 550 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, Elliott, Files, Fletcher, S. Harrelson, J. Hutchinson, Irvin, G. Jeffress, J. Jeffress, D. Johnson, J. Key, Lavery, Madison, P. Malone, Salmon, J. Taylor, Teague, Whitaker, E. Williams, D. Wyatt.

Total25

NEGATIVE: Hendren, Holland.

Total2

ABSENT OR NOT VOTING: J. Dismang, S. Flowers, M. Lamoureux, Luker, B. Pritchard, Rapert, B. Sample, R. Thompson.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

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

On motion of Senator J. Jeffress the Senate recessed until 2:50 p.m.

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

STATE OF ARKANSAS

Mike Beebe

Governor

March 24, 2011

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on March 24, 2011, I approved the following measures from the Regular Session of the Eighty-Eighth General Assembly:

Senate Bill No. 133 - ACT 641
Senate Bill No. 356 - ACT 642
Senate Bill No. 357 - ACT 643
Senate Bill No. 358 - ACT 644
Senate Bill No. 361 - ACT 645
Senate Bill No. 424 - ACT 646
Senate Bill No. 425 - ACT 647
Senate Bill No. 434 - ACT 648
Senate Bill No. 435 - ACT 649
Senate Bill No. 439 - ACT 650
Senate Bill No. 440 - ACT 651
Senate Bill No. 441 - ACT 652
Senate Bill No. 449 - ACT 653

Senate Bill No. 450 - ACT 654
Senate Bill No. 451 - ACT 655
Senate Bill No. 463 - ACT 656
Senate Bill No. 465 - ACT 657
Senate Bill No. 468 - ACT 658
Senate Bill No. 474 - ACT 659
Senate Bill No. 519 - ACT 660
Senate Bill No. 520 - ACT 661
Senate Bill No. 521 - ACT 662
Senate Bill No. 522 - ACT 663
Senate Bill No. 523 - ACT 664
Senate Bill No. 532 - ACT 665
Senate Bill No. 533 - ACT 666
Senate Bill No. 534 - ACT 667
Senate Bill No. 546 - ACT 668
Senate Bill No. 554 - ACT 669
Senate Bill No. 555 - ACT 670
Senate Bill No. 577 - ACT 671
Senate Bill No. 610 - ACT 672
Senate Bill No. 611 - ACT 673
Senate Bill No. 612 - ACT 674
Senate Bill No. 613 - ACT 675
Senate Bill No. 614 - ACT 676
Senate Bill No. 615 - ACT 677
Senate Bill No. 617 - ACT 678
Senate Bill No. 635 - ACT 679
Senate Bill No. 658 - ACT 680
Senate Bill No. 671 - ACT 681
Senate Bill No. 672 - ACT 682
Senate Bill No. 674 - ACT 683
Senate Bill No. 683 - ACT 684
Senate Bill No. 695 - ACT 685
Senate Bill No. 697 - ACT 686
Senate Bill No. 698 - ACT 687
Senate Bill No. 699 - ACT 688
Senate Bill No. 700 - ACT 689

Sincerely,

(SIGNED) MIKE BEEBE

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 690, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 791, BY SENATOR PERCY MALONE,
SENATE BILL NO. 836, BY SENATOR JERRY TAYLOR,
SENATE BILL NO. 840, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 845, BY SENATOR JASON RAPERT,

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 24, 2011

Mr. President:

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

SENATE BILL NO. 847, BY SENATOR JIM LUKER,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Luker, and without objection, Senate Bill No. 847 was recommended for study in the interim by Senate Interim Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1909, BY REP. FRED ALLEN,
HOUSE BILL NO. 2001, BY REP. MARY P. HICKERSON 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

Received from the House

HOUSE BILL NO. 1604
As Engrossed: H3/17/11 H3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MURDOCK

A Bill for an Act to be Entitled: AN ACT TO IMPROVE ACCESS TO TREATMENT FOR SICKLE CELL ANEMIA IN ARKANSAS; TO REDUCE OVERALL HEALTH CARE COSTS; AND FOR OTHER PURPOSES.

House Bill No. 1604 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE BILL NO. 1811
As Engrossed: H3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE T. ROGERS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE ADDITIONAL INFORMATION AND TO ENCOURAGE LOSS MITIGATION AND LOAN MODIFICATIONS BEFORE INITIATING A STATUTORY FORECLOSURE; AND FOR OTHER PURPOSES.

House Bill No. 1811 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1953
As Engrossed: H3/14/11 H3/16/11 H3/21/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE J. ROEBUCK

A Bill for an Act to be Entitled: AN ACT TO ALLOW LAW ENFORCEMENT TO IMPOUND A MOTOR VEHICLE THAT DOES NOT HAVE THE MINIMUM LIABILITY INSURANCE REQUIRED BY LAW OR A CERTIFICATE OF SELF-INSURANCE; AND FOR OTHER PURPOSES.

House Bill No. 1953 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. 1991
As Engrossed: H3/18/11 H3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE COZART

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE RESIDENTIAL BUILDING CONTRACTORS COMMITTEE; TO AMEND THE NAME OF THE RESIDENTIAL BUILDING CONTRACTORS COMMITTEE; AND FOR OTHER PURPOSES.

House Bill No. 1991 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE BILL NO. 2029
As Engrossed: H3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES PERRY AND BELL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAWS CONCERNING ACCESS TO INFORMATION HELD BY THE ARKANSAS CRIME INFORMATION CENTER; AND FOR OTHER PURPOSES.

House Bill No. 2029 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 2032

As Engrossed: H3/17/11 H3/23/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES J. ROEBUCK AND D. HUTCHINSON

BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO IMPROVE THE TEACHING TECHNIQUES OF REMEDIAL EDUCATION COURSES; AND FOR OTHER PURPOSES.

House Bill No. 2032 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 2050

As Engrossed: H3/17/11 H3/21/11 H3/23/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES J. ROEBUCK AND D. HUTCHINSON

BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT CONCERNING ADMISSION STANDARDS FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 2050 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1902, BY REP. ROBERT S. MOORE JR.,

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. 2.

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

On motion of Senator Holland, the rules were suspended in considering **House
Bill No. 1902** at this time.

On motion of Senator Holland, **House Bill No. 1902** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 1902

Amend **House Bill No. 1902** as engrossed, S3/23/11:

Page 2, line 13, delete "use." and substitute "use, as defined by federal regulations on January 1, 2011, and for agricultural purposes."

(SIGNED) SENATOR BRUCE HOLLAND

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1902 was ordered engrossed.

On motion of Senator Key, the rules were suspended in considering **Senate Bill No. 909** at this time.

On motion of Senator Key, **Senate Bill No. 909** 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. 909

Amend **Senate Bill No. 909** as engrossed, S3/9/11:

Page 1, delete lines 30-34 and substitute the following:

(e)(1)(A) The scholarship award amount under this subchapter for an academic year for a full-time recipient enrolled in a four-year approved institution of higher education ~~is five thousand dollars (\$5,000)~~ shall be calculated by the Department of Higher Education using a formula based on a projection of the number of eligible students enrolling in the next academic year that provides an aggregate scholarship awards amount that:

(i)(a) Is equal to or less than:

(i) The available net proceeds; plus

(ii) The general revenue available from the Higher

Education Grants Fund for Arkansas Academic Challenge Scholarships under § 6-85-101 et seq. and this subchapter; and less

(b) The amount allocated for scholarships for nontraditional students under this subsection; and

(ii) Results in a positive balance for the aggregate scholarship awards amount for four (4) years for all recipients."

AND

Page 3, delete lines 3-5

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 909 was ordered engrossed.

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

On motion of Senator Irvin, **Senate Bill No. 839** was called up for third reading and final disposition.

SENATE BILL NO. 839
As Engrossed: S3/15/11 S3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR IRVIN

A Bill for an Act to be Entitled: 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.

Senate Bill No. 839 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

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

The record pertaining to the vote by which **Senate Bill No. 839** passed was expunged, in accordance with a prevailing motion on March 30, 2011.

On motion of Senator Key, **Senate Bill No. 788** was called up for third reading and final disposition.

SENATE BILL NO. 788
As Engrossed: S3/7/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT OF 2004; AND FOR OTHER PURPOSES.

Senate Bill No. 788 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 788 was ordered immediately transmitted to the House as passed.

On motion of Senator Chesterfield, **Senate Bill No. 737** was called up for third reading and final disposition.

SENATE BILL NO. 737
As Engrossed: S3/3/11 S3/15/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR L. CHESTERFIELD

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ANNUAL SCHOOL PERFORMANCE REPORT TO BE SUBMITTED TO THE SENATE COMMITTEE ON EDUCATION AND THE HOUSE COMMITTEE ON EDUCATION; TO REQUIRE THE ANNUAL SCHOOL PERFORMANCE REPORT TO BE MADE AVAILABLE ON THE WEBSITES OF THE DEPARTMENT OF EDUCATION AND SCHOOL DISTRICTS; TO REQUIRE INFORMATION ABOUT STUDENT PARTICIPATION IN ACT OR SAT TESTING AND COLLEGE PREPARATORY ENRICHMENT PROGRAMS (CPEP) IN THE ANNUAL SCHOOL PERFORMANCE REPORT; AND FOR OTHER PURPOSES.

Senate Bill No. 737 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35
Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 737 was ordered immediately transmitted to the House as passed.

On motion of Senator Crumbly, Senate Bill No. 663 was called up for third reading and final disposition.

SENATE BILL NO. 663
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CRUMBLY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 6-17-811 CONCERNING THE HIGH-PRIORITY SCHOOL DISTRICT TEACHER INCENTIVES; AND FOR OTHER PURPOSES.

Senate Bill No. 663 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

Senate Bill No. 663 was ordered immediately transmitted to the House as passed.

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

On motion of Senator Rapert, Senate Bill No. 845 was called up for third reading and final disposition.

SENATE BILL NO. 845

As Engrossed: S3/15/11 S3/24/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR RAPERT

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ABORTION PATIENTS' ENHANCED SAFETY ACT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 845 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, Crumbly, J. Dismang, Files, Fletcher, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Key, M. Lamoureux, Laverty, B. Pritchard, Rapert, B. Sample, J. Taylor, Teague, Whitaker, E. Williams, D. Wyatt.

Total25

NEGATIVE: Elliott, S. Flowers, D. Johnson, Madison.

Total4

ABSENT OR NOT VOTING: L. Chesterfield, J. Jeffress, Luker, P. Malone, Salmon, R. Thompson.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....29

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. 845, 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, Crumbly, J. Dismang, Files, Fletcher, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, G. Jeffress, J. Key, M. Lamoureux, Laverty, B. Pritchard, Rapert, B. Sample, J. Taylor, Teague, Whitaker, E. Williams, D. Wyatt.

Total25

NEGATIVE: Elliott, S. Flowers, D. Johnson, Madison.

Total4

ABSENT OR NOT VOTING: L. Chesterfield, J. Jeffress, Luker, P. Malone, Salmon, R. Thompson.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 845 was ordered immediately transmitted to the House.

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

On motion of Senator Irvin, Senate Bill No. 840 was called up for third reading and final disposition.

SENATE BILL NO. 840

As Engrossed: S3/10/11 S3/24/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR IRVIN

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ABORTION-INDUCING DRUGS SAFETY ACT; AND FOR OTHER PURPOSES.

Senator Chesterfield spoke on Senate Bill No. 840.

Senator Dismang spoke for the Bill.

Senator Elliott spoke against the Bill.

Senator Madison spoke against the Bill.

Senate Bill No. 840 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, J. Dismang, Files, Fletcher, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, J. Key, M. Lamoureux, Lavery, B. Pritchard, Rapert, B. Sample, J. Taylor, Teague, E. Williams, D. Wyatt.

Total22

NEGATIVE: L. Chesterfield, Crumbly, Elliott, S. Flowers, D. Johnson, Madison, Salmon.

Total7

ABSENT OR NOT VOTING: G. Jeffress, J. Jeffress, Luker, P. Malone, R. Thompson, Whitaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

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

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

On motion of Senator Sample, **Senate Bill No. 690** was called up for third reading and final disposition.

SENATE BILL NO. 690
As Engrossed: S3/2/11 S3/10/11 S3/21/11 S3/24/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE
BY: REPRESENTATIVES WOODS AND GASKILL

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING FEES FOR THE SALE OF PROPERTY UNDER JUDICIAL DECREE; AND FOR OTHER PURPOSES.

Senate Bill No. 690 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, Bookout, Burnett, Crumbly, J. Dismang, Files, Hendren, J. Hutchinson, G. Jeffress, J. Jeffress, J. Key, M. Lamoureux, Lavery, Luker, Madison, P. Malone, B. Pritchard, Rapert, B. Sample, Teague, R. Thompson, Whitaker, D. Wyatt.

Total23

NEGATIVE: Bledsoe, L. Chesterfield, Elliott, Fletcher, S. Flowers, S. Harrelson, Holland, Irvin, Salmon, J. Taylor, E. Williams.

Total11

ABSENT OR NOT VOTING: D. Johnson.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1902, BY REP. ROBERT S. MOORE JR.,

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 J. Jeffress, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator J. Jeffress, **House Bill No. 1902** was called up for third reading and final disposition.

HOUSE BILL NO. 1902
As Engrossed: S3/23/11 S3/24/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MOORE

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH AN ADDITIONAL TAX ON DISTILLATE SPECIAL FUEL FOR THE IMPROVEMENT OF ARKANSAS STATE ROADS AND HIGHWAYS; TO AUTHORIZE THE ARKANSAS STATE HIGHWAY COMMISSION TO ISSUE STATE OF ARKANSAS FEDERAL HIGHWAY GRANT ANTICIPATION AND TAX REVENUE BONDS FOR THE PURPOSES OF CONSTRUCTING AND RENOVATING ROADS AND HIGHWAYS FOR THE CITIZENS OF THE STATE OF ARKANSAS; AUTHORIZING THAT THE REPAYMENT OF BONDS BE GUARANTEED BY THE FULL FAITH AND CREDIT OF THE STATE; PRESCRIBING THE TERMS AND CONDITIONS OF THE ISSUANCE OF BONDS; PROVIDING FOR A STATEWIDE ELECTION ON THE QUESTION OF LEVYING THE ADDITIONAL TAX ON DISTILLATE SPECIAL FUEL AND ISSUING BONDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Senator Holland spoke against the Bill.

Senator Chesterfield spoke for the Bill.

Senator Dismang spoke against the Bill.

Senator Malone made a motion for immediate consideration. Motion carried.

House Bill No. 1902 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bookout, Burnett, L. Chesterfield, Crumbly, Elliott, Fletcher, S. Flowers, S. Harrelson, G. Jeffress, J. Jeffress, D. Johnson, Laverty, Madison, P. Malone, Salmon, J. Taylor, R. Thompson, D. Wyatt.

Total18

NEGATIVE: Bledsoe, J. Dismang, Files, Hendren, Holland, J. Hutchinson, J. Key, M. Lamoureux, Rapert, B. Sample, Whitaker, E. Williams.

Total12

ABSENT OR NOT VOTING: G. Baker, Irvin, Luker, B. Pritchard, Teague.

Total5

VOTING PRESENT:

Total0

Total number of votes cast30

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator J. Jeffress moved that the vote by which **House Bill No. 1902** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1902 was returned to the House as passed as amended.

On motion of Senator Malone, **Senate Bill No. 881** was called up for third reading and final disposition.

SENATE BILL NO. 881
As Engrossed: S3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR P. MALONE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING RULES PROMULGATED UNDER THE ARKANSAS ADMINISTRATIVE PROCEDURE ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 881 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. 881 was ordered immediately transmitted to the House as passed.

On motion of Senator Malone, **Senate Bill No. 882** was called up for third reading and final disposition.

SENATE BILL NO. 882
As Engrossed: S3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR P. MALONE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE AUTHORITY OF A STATE AGENCY TO IMPOSE FEES AND PENALTIES; AND FOR OTHER PURPOSES.

Senate Bill No. 882 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. 882 was ordered immediately transmitted to the House as passed.

On motion of Senator Malone, **Senate Bill No. 883** was called up for third reading and final disposition.

SENATE BILL NO. 883
As Engrossed: S3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR P. MALONE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING EMERGENCY RULES PROMULGATED UNDER THE ARKANSAS ADMINISTRATIVE PROCEDURE ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 883 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. 883 was ordered immediately transmitted to the House as passed.

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

On motion of Senator Malone, **Senate Bill No. 791** was called up for third reading and final disposition.

SENATE BILL NO. 791
As Engrossed: S3/21/11 S3/24/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR P. MALONE

A Bill for an Act to be Entitled: AN ACT TO EXTEND THE OPERATIONS OF THE ARKANSAS LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED CHILDREN UNTIL JUNE 30, 2013; AND THE ARKANSAS LEGISLATIVE TASK FORCE ON SICKLE CELL DISEASE UNTIL OCTOBER 1, 2013; AND FOR OTHER PURPOSES.

Senate Bill No. 791 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

Senate Bill No. 791 was ordered immediately transmitted to the House as passed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 679, BY SENATOR JIM LUKER,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD
CHAIRMAN

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

On motion of Senator Luker, **Senate Bill No. 679** was called up for third reading and final disposition.

SENATE BILL NO. 679
As Engrossed: S3/10/11 S3/24/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO ALLOW A DISTRICT COURT TO ADMINISTER A DRUG COURT PROGRAM, PRESIDE OVER A PROBATION SUPERVISION PROGRAM, OR PRESIDE OVER A PAROLE SUPERVISION PROGRAM IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Senate Bill No. 679 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, Fletcher, S. Flowers, S. Harrelson, Hendren, Holland, J. Hutchinson, Irvin, 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.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Files, G. Jeffress.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33
 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. 679 was ordered immediately transmitted to the House as passed.

On motion of Senator Malone, **Senate Bill No. 295** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

Without objection, **Senate Bill No. 295** was withdrawn by the author, Senator Malone.

On motion of Senator Malone, **Senate Bill No. 322** was withdrawn from the Committee on JUDICIARY, and placed on the Calendar.

Without objection, **Senate Bill No. 322** was withdrawn by the author Senator Malone.

On motion of Senator Malone, [Senate Bill No. 324](#) was withdrawn from the Committee on JUDICIARY, and placed on the Calendar.

Without objection, [Senate Bill No. 324](#) was withdrawn by the author, Senator Malone.

On motion of Senator Malone, [Senate Bill No. 900](#) was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

Without objection, [Senate Bill No. 900](#) was withdrawn by the author, Senator Malone.

On motion of Senator Malone, [Senate Bill No. 921](#) was withdrawn from the Committee on REVENUE & TAXATION, and placed on the Calendar.

Without objection, [Senate Bill No. 921](#) was withdrawn by the author, Senator Malone.

On motion of Senator Malone, [Senate Bill No. 939](#) was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

Without objection, [Senate Bill No. 939](#) was withdrawn by the author, Senator Malone.

On motion of Senator Malone, [Senate Bill No. 988](#) was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

Without objection, [Senate Bill No. 988](#) was withdrawn by the author, Senator Malone.

Senator Luker moved that the record pertaining to the vote by which [Senate Bill No. 828](#) failed be expunged, the motion failed.

On motion of Senator Dismang, the rules were suspended in considering [Senate Bill No. 527](#) at this time.

On motion of Senator Dismang, [Senate Bill No. 527](#) 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. 527

Amend [Senate Bill No. 527](#) as engrossed, S3/9/11:

Page 1, delete lines 10-15, and substitute the following:
"SIGNS OF CHILD SEXUAL ABUSE AND OTHER FORMS OF CHILD
MALTREATMENT AND THE RESOURCES AVAILABLE TO VICTIMS OF CHILD
MALTREATMENT; TO REQUIRE THE ARKANSAS CHILD
ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION TO APPROVE THE
TRAINING CURRICULUM; AND FOR"

AND

Delete the subtitle in its entirety and substitute:

"TO REQUIRE A SCHOOL DISTRICT TO PROVIDE
IN-SERVICE TRAINING TO LICENSED SCHOOL
PERSONNEL CONCERNING CHILD
MALTREATMENT."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-61-133 is amended to read as follows:
6-61-133. Training for mandatory reporters and licensed elementary and
secondary public school personnel.

(a) As used in this section:

(1) "Child maltreatment" means the abuse, sexual abuse, neglect,
sexual exploitation, or abandonment of a child under the Child Maltreatment Act, §
12-18-101 et seq.; and

(2) "Licensed school personnel" means a person who works with
students in an elementary or secondary public school, a public charter school, a
school district, or an education service cooperative for whom a license issued by the
State Board of Education is a condition of employment, including without limitation a:

(A) School or school district administrator;

(B) Teacher;

(C) Coach for a school athletics program;

(D) School counselor;

(E) School social worker;

(F) School psychologist; and

(G) School nurse.

(b) For each degree program at an institution of higher learning ~~education~~ in
this state that is a prerequisite for licensure or certification in a profession in which
the professional is a child maltreatment mandated reporter under the Child
Maltreatment Act, § 12-18-101 et seq., the Department of Higher Education shall
coordinate with all the ~~institutions of~~ higher education ~~institutions~~ to ensure that
before receiving a degree, each graduate receives, ~~including without limitation, the~~
training identified in subsection (d) of this section ~~in:~~

(c) Licensed school personnel shall obtain the training identified in
subsection (d) of this section within twelve (12) months of:

(1) The individual's initial licensure; and

(2) All subsequent renewals of the individual's license.

(d) The training required under this section shall include without limitation:

(1) Recognizing the signs and symptoms of child ~~abuse and neglect~~
maltreatment;

(2) The legal requirements of the Child Maltreatment Act, § 12-18-101
et seq., and the duties of mandated reporters under the act; and

(3) Methods for managing disclosures regarding child victims; and

(4) For licensed school personnel, connecting a victim of child
maltreatment to appropriate in-school services and other agencies, programs, and
services needed to provide the child with the emotional and educational support the
child needs to continue to be successful in school.

(e)(1) The training may be obtained as in-person or online training.

(2) The Arkansas Child Abuse/Rape/Domestic Violence Commission
shall approve the curriculum for the training.

(3) Licensed school personnel shall document completed training
according to the rules of the State Board of Education.

(f) Licensed school personnel may substitute for the required number of hours of staff development on parental involvement plans under § 6-15-1703 an equal number of hours of training obtained under this section."

(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. 527 was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 885** was withdrawn from the Committee on REVENUE & TAXATION, and placed on the Calendar.

On motion of Senator Rapert, and without objection, **Senate Bill No. 885** was recommended for study in the interim by Senate Interim Committee on REVENUE & TAXATION.

On motion of Senator Rapert, **Senate Bill No. 854** was withdrawn from the Committee on JUDICIARY, and placed on the Calendar.

Without objection, **Senate Bill No. 854** was withdrawn by the author, Senator Rapert.

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

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

On motion of Senator Malone, the rules were suspended in considering **Senate Bill No. 187** at this time.

On motion of Senator Malone, **Senate Bill No. 187** 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. 187

JBC 03/23/2011 (2)

Amend **Senate Bill No. 187** as originally introduced:

Page 11, delete lines 31 and 32 in their entirety and substitute the following:

- "
- (7) Increase Arkansas Medicaid revenues; ~~or~~
 - (8) Reduce fraud and abuse in the Arkansas Medicaid program; ~~;~~
 - (9) Change any of the methodologies used for reimbursement of providers;
 - (10) Seek a new waiver or modification of an existing waiver of any provision under Medicaid, Title XIX, of the Social Security Act, including a waiver that would allow a demonstration project;
 - (11) Participate or seek to participate in Social Security Act Section 1115(a)(1) waiver authority that would allow operation of a demonstration project or program;
 - (12) Participate or seek to participate in a Social Security Act Section 1115(a)(2) request for the Secretary of the Department of Health and Human Services to provide federal financial participation for costs associated with a demonstration project or program;

(13) Implement managed care provisions under Section 1932 of Medicaid, Title XIX of the Social Security Act; or

(14) Participate or seek to participate in the Centers for Medicare and Medicaid Services Innovation projects or programs."

(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. 187 was ordered engrossed.

On motion of Senator Malone, the rules were suspended in considering **Senate Bill No. 277** at this time.

On motion of Senator Malone, **Senate Bill No. 277** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 5.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 5 to SENATE BILL NO. 277

JBC 03/23/11 (2)

Amend **Senate Bill No. 277** as engrossed, S3/21/11:

Following Section 20, insert new sections,

" SECTION 21. APPROPRIATION – ADULT SICKLE CELL DISEASE PROGRAM. There is hereby appropriated, to the University of Arkansas for Medical Sciences, to be payable from the University of Arkansas Medical Center Fund, for personal services and operating expenses of establishing and operating Sickle Cell Clinics and Outreach Efforts of the University of Arkansas for Medical Sciences -

Adult Sickle Cell Disease Program for the fiscal year ending June 30, 2012, the following:

ITEM NO.	FISCAL YEAR 2011-2012
(01) ADULT SICKLE CELL DISEASE PROGRAM INITIATIVE PERSONAL SERVICES AND OPERATING EXPENSES	<u>\$379,993</u>

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. UAMS - ADULT SICKLE CELL DISEASE PROGRAM. There is hereby established a new program for the comprehensive care of Adult Sickle Cell Disease to be known as the University of Arkansas for Medical Sciences Adult Sickle Cell Disease Program. The program will facilitate the continued development of adult sickle cell disease treatment, preventive care, education, and training for health care professionals and related personnel utilizing the University of Arkansas for Medical Sciences' Area Health Education Centers throughout the State and Center for Distance Health. Funding for the Program will be from general revenue and cash funds from fees for services, donations, grants, and federal funds. The University of Arkansas for Medical Sciences will not assume responsibility for funding the Program until such time as the General Assembly appropriates and funds the Program."

AND

Appropriately renumber the Section numbers

(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. 277 was ordered engrossed.

On motion of Senator Malone, the rules were suspended in considering **Senate Bill No. 620** at this time.

On motion of Senator Malone, **Senate Bill No. 620** 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. 620

JBC 03/09/11 (3)

Amend **Senate Bill No. 620** as originally introduced:

Add the following three new sections immediately following SECTION 4 to read as follows:

" SECTION 5. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Children and Family Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR 2010-2011
(01) ALLEN BRAY	<u>\$12,726.15</u>

SECTION 6. APPROPRIATION - GAME & FISH COMMISSION. There is hereby appropriated, to the Arkansas State Game and Fish Commission, to be payable from the Game Protection Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR 2010-2011
(01) CLAUDE GRAVES	<u>\$15,000.00</u>

SECTION 7. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Department of Arkansas State Police Fund, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM NO.	FISCAL YEAR 2010-2011
(01) MANVEL GARIBYAN	<u>\$69,000.00</u>

AND

Appropriately renumber subsequent sections.

(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. 620 was ordered engrossed.

On motion of Senator Malone, the rules were suspended in considering Senate Bill No. 60 at this time.

On motion of Senator Malone, Senate Bill No. 60 was called up for third reading and final disposition.

SENATE BILL NO. 60
As Engrossed: S2/28/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS FAIR HOUSING COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

Senate Bill No. 60 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 bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 60**, 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 Clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 60 was ordered immediately transmitted to the House.

On motion of Senator Malone, the rules were suspended in considering House Bill No. 1081 at this time.

On motion of Senator Malone, House Bill No. 1081 was called up for third reading and final disposition.

HOUSE BILL NO. 1081
 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 PROJECT DISBURSEMENTS FOR THE ARKANSAS NATURAL RESOURCES COMMISSION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 35 OF 2010; AND FOR OTHER PURPOSES.

House Bill No. 1081 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the 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. 1081**, 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. 1081 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE JOINT RESOLUTION BILL NO. 5,
BY SENATOR JAKE FILES,

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 390, BY SENATOR RANDY LAVERTY ET AL,
SENATE BILL NO. 677, BY SENATOR GILBERT BAKER,
SENATE BILL NO. 789, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 909, BY SENATOR JOHNNY KEY 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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1763, BY REPRESENTATIVE CHARLIE COLLINS,

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

Received from the House

HOUSE BILL NO. 1544
As Engrossed: H3/18/11 H3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STEWART

A Bill for an Act to be Entitled: *AN ACT TO MAKE THE MILITARY CODE OF ARKANSAS CONSISTENT WITH FEDERAL LAW CONCERNING DEPENDENCY-NEGLECT ACTIONS; AND FOR OTHER PURPOSES.*

House Bill No. 1544 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1545
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KING
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT REGARDING REVENUE ALLOCATION IN COUNTIES WITH MORE THAN ONE JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.

House Bill No. 1545 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1738
As Engrossed: H3/15/11 H3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE INGRAM

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT THE DISTRIBUTION OF INSURANCE PREMIUM TAX MONEYS TO INACTIVE FIRE DEPARTMENTS; AND FOR OTHER PURPOSES.

House Bill No. 1738 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. 2045

As Engrossed: H3/22/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE GARNER

A Bill for an Act to be Entitled: *AN ACT CONCERNING THE AFFAIRS OF CERTAIN IMPROVEMENT DISTRICTS; AND FOR OTHER PURPOSES.*

House Bill No. 2045 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2068

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE EUBANKS

A Bill for an Act to be Entitled: AN ACT TO EXTEND CERTAIN POWERS GRANTED TO CITIES OF THE FIRST CLASS TO ALL MUNICIPALITIES; AND FOR OTHER PURPOSES.

House Bill No. 2068 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2070
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SLINKARD

A Bill for an Act to be Entitled: AN ACT CONCERNING THE PROCEDURES FOR ANNEXATION OF SURROUNDED LAND BY A MUNICIPALITY; AND FOR OTHER PURPOSES.

House Bill No. 2070 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2088
As Engrossed: H3/23/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ALLEN

A Bill for an Act to be Entitled: AN ACT TO PROVIDE TRANSPARENCY AND PUBLIC INFORMATION CONCERNING SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDED TO ARKANSAS PUBLIC SCHOOL STUDENTS; AND FOR OTHER PURPOSES.

House Bill No. 2088 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 2153

As Engrossed: H3/11/11 H3/23/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES JOHNSTON AND D. ALTES

A Bill for an Act to be Entitled: AN ACT TO REPLACE THE GROSS RECEIPTS AND COMPENSATING USE TAX ON WRECKER AND TOWING SERVICES WITH AN EXCISE TAX ON WRECKER AND TOWING SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 2153 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 2188

As Engrossed: H3/17/11 H3/23/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE L. COWLING

A Bill for an Act to be Entitled: AN ACT TO EXEMPT FROM THE SALES AND USE TAX THE GROSS RECEIPTS DERIVED FROM THE SALE OF CLASS SIX AND CLASS SEVEN TRUCKS IF THE VEHICLE IS REGISTERED WITH THE INTERNATIONAL REGISTRATION PLAN AND ENGAGED IN INTERSTATE COMMERCE; TO EXEMPT FROM THE SALES AND USE TAX THE GROSS RECEIPTS DERIVED FROM THE SALE OF ALL SEMITRAILERS; TO TRANSFER FROM THE STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FUND TO GENERAL REVENUES FOUR MILLION DOLLARS (\$4,000,000) EACH FISCAL YEAR TO OFFSET GENERAL REVENUES LOST AS A RESULT OF THE EXEMPTION; AND FOR OTHER PURPOSES.

House Bill No. 2188 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1450

As Engrossed: H3/15/11 H3/17/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES BARNETT ET AL

BY: SENATORS S. HARRELSON, J. HUTCHINSON, J. DISMANG, G. JEFFRESS,
J. JEFFRESS, B. PRITCHARD, J. TAYLOR, B. SAMPLE, BLEDSOE, WHITAKER,
M. LAMOUREUX, D. WYATT & FILES

A Bill for an Act to be Entitled: AN ACT CONCERNING THE
TRANSPORTATION AND UNDERGROUND STORAGE OF CARBON DIOXIDE;
AND FOR OTHER PURPOSES.

House Bill No. 1450 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. 1783
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KING

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING CERTAIN DISCLOSURES BY A MEMBER OF A COUNTY BOARD OF ELECTION COMMISSIONERS; AND FOR OTHER PURPOSES.

House Bill No. 1783 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1784
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KING

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT A MEMBER OF A COUNTY BOARD OF ELECTION COMMISSIONERS FROM HAVING BUSINESS DEALINGS OR ENTERING INTO CONTRACTS WITH THE COUNTY BOARD OF ELECTION COMMISSIONERS ON WHICH HE OR SHE SERVES; AND FOR OTHER PURPOSES.

House Bill No. 1784 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1947

As Engrossed: H3/22/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE PERRY

BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND PROVISIONS OF THE ARKANSAS SCHOLARSHIP LOTTERY ACT CONCERNING LOTTERY PROCEEDS, SCHOLARSHIP AWARD AMOUNTS, AND MANAGEMENT OF CERTAIN CAPITAL ASSETS OF THE ARKANSAS LOTTERY COMMISSION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1947 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1952

As Engrossed: H3/11/11 H3/15/11 H3/21/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES J. ROEBUCK, CHEATHAM & TYLER

BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CODE CONCERNING THE ENFORCEMENT OF ETHICS VIOLATIONS BY ARKANSAS EDUCATORS; AND FOR OTHER PURPOSES.

House Bill No. 1952 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 1955
As Engrossed: H3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MCCRARY

A Bill for an Act to be Entitled: *AN ACT TO AMEND ENABLING LEGISLATION FOR AMENDMENT 82 TO THE ARKANSAS CONSTITUTION; TO MAKE CHANGES CONSISTENT WITH CHANGES TO AMENDMENT 82 ENACTED BY THE VOTERS IN NOVEMBER 2010; AND FOR OTHER PURPOSES.*

House Bill No. 1955 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1980
As Engrossed: H3/22/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WESTERMAN

A Bill for an Act to be Entitled: *AN ACT TO AMEND THE ARKANSAS RETIREMENT COMMUNITY PROGRAM ACT; AND FOR OTHER PURPOSES.*

House Bill No. 1980 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT.

Received from the House

HOUSE BILL NO. 2128
As Engrossed: H3/15/11
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES WOODS AND POST

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING THE PURCHASE OF WATER SERVICE PROPERTIES AND FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 2128 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2179
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROEBUCK
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO REQUIRE AN ARKANSAS LOTTERY COMMISSION COMPREHENSIVE ANNUAL FINANCIAL REPORT; TO AMEND THE ARKANSAS LOTTERY COMMISSION BUDGET REVIEW PROCESS; AND FOR OTHER PURPOSES.

House Bill No. 2179 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2202

As Engrossed: H3/10/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES SANDERS, ALLEN ET AL

BY: SENATORS J. KEY, G. BAKER, J. DISMANG, ELLIOTT, FILES,
S. FLOWERS, HOLLAND, IRVIN, M. LAMOUREUX, RAPERT & R. THOMPSON

A Bill for an Act to be Entitled: AN ACT CONCERNING THE EMPLOYMENT
OF FORMER STATE REGULATORY OFFICIALS; AND FOR OTHER PURPOSES.

House Bill No. 2202 was read the first time, rules suspended, read the
second time and referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE JOINT RESOLUTION NO. 1001

As Engrossed: H3/8/11 H3/11/11 H3/14/11 H3/16/11

EIGHTY-EIGHTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES BARNETT, MOORE ET AL

**BY: SENATORS B. SAMPLE, J. JEFFRESS, P. MALONE, S. HARRELSON
& D. WYATT**

HOUSE JOINT RESOLUTION

FOR A PROPOSED CONSTITUTIONAL AMENDMENT TO LEVY A TEMPORARY SALES AND USE TAX OF ONE-HALF (0.5%) FOR STATE HIGHWAYS AND BRIDGES, COUNTY ROADS, BRIDGES AND OTHER SURFACE TRANSPORTATION, AND CITY STREETS, BRIDGES AND OTHER SURFACE TRANSPORTATION, WITH THE STATE'S PORTION TO SECURE STATE OF ARKANSAS GENERAL OBLIGATION FOUR-LANE HIGHWAY CONSTRUCTION AND IMPROVEMENT BONDS IN THE TOTAL PRINCIPAL AMOUNT NOT TO EXCEED ONE BILLION THREE HUNDRED MILLION DOLLARS (\$1,300,000,000) FOR THE PURPOSE OF CONSTRUCTING AND IMPROVING FOUR-LANE HIGHWAYS IN THE STATE OF ARKANSAS; PRESCRIBING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF SUCH BONDS WHICH WILL MATURE AND BE PAID IN FULL IN APPROXIMATELY TEN (10) YEARS, WHICH PAYMENT IN FULL SHALL TERMINATE THE TEMPORARY SALES AND USE TAX; DESCRIBING THE SOURCES OF REPAYMENT OF THE BONDS; PERMANENTLY DEDICATING A PORTION OF THE PROCEEDS DERIVED FROM THE EXISTING MOTOR FUEL AND DISTILLATE FUEL TAXES TO THE STATE AID STREET FUND; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

Subtitle

A TEMPORARY ONE-HALF PERCENT SALES AND USE TAX FOR STATE HIGHWAYS AND BRIDGES AND COUNTY AND CITY ROADS, BRIDGES AND OTHER SURFACE TRANSPORTATION WITH STATE REVENUES SECURING FOUR-LANE HIGHWAY CONSTRUCTION AND IMPROVEMENT BONDS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Intent. The people of the State of Arkansas find that:

(a) The state has an outdated and inadequate system of highway funding that is unable to meet the severe and pressing needs to maintain and improve the state's system of state highways, county roads, and city streets;

(b) Increasing investment in the state highway system, county roads, and city streets will create jobs, aid in economic development, improve quality of life, and provide additional transportation infrastructure, including specifically, a four-lane highway construction plan designed to connect all regions of the state; and

(c) To provide additional funding for the state's four-lane highway system, county roads, and city streets, this amendment levies a temporary sales and use tax and authorizes general obligation highway construction and improvement bonds for the state's four-lane highway system.

SECTION 2. Definitions.

As used in this amendment:

(a) "Bonds" means the State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds as authorized in this amendment;

(b) "Chairman" means the chair of the Arkansas Highway Commission;

(c) "Chief fiscal officer" means the Director of the Department of Finance and Administration;

(d) "Commission" means the State Highway Commission;

(e) "Debt service" means all amounts required for the payment of principal of, interest on, and premium, if any, due with respect to the bonds in any fiscal year, along with all associated costs, including without limitation the fees and costs of paying agents and trustees, and remarketing agent fees;

(f) "Designated tax revenues" means:

(1) Taxes collected under this amendment and apportioned to the Arkansas State Highway and Transportation Department Fund under § 27-70-206 collected over an approximate ten-year period; and

(2) Other fees or taxes that are dedicated to the repayment of the bonds; and

(g)(1) "Four-lane highway improvements" means construction of and improvements to:

(A) Four-lane roadways;

(B) Bridges;

(C) Tunnels;

(D) Engineering;

(E) Rights-of-way; and

(F) Other related capital improvements and facilities appurtenant or pertaining thereto, including costs of rights-of-way acquisition and utility adjustments.

(2) "Four-lane highway improvements" also means the maintenance of four-lane highway improvements constructed with proceeds of the bonds.

SECTION 3. Levy of Temporary Tax.

(a)(1) Except for food and food ingredients, a temporary additional excise tax of one-half percent (0.5%) is levied on all taxable sales of property and services subject to the tax levied by the Arkansas Gross Receipts Act of 1941.

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

(b)(1) Except for food and food ingredients, a temporary additional excise tax of one-half percent (0.5%) is levied on all tangible personal property subject to the tax levied by the Arkansas Compensating Tax Act of 1949.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting and payment of Arkansas compensating taxes.

SECTION 4. Authorization and purpose.

(a) The State Highway Commission may issue State of Arkansas Four-Lane Highway Construction and Improvement General Obligation Bonds ("bonds") in a total principal amount not to exceed one billion, three hundred million dollars (\$1,300,000,000) for the purpose of:

(1) Accelerating four-lane highway improvements in progress or scheduled as of January 1, 2011;

(2) Funding new four-lane highway improvements not in progress or scheduled as of January 1, 2011;

(3) Providing matching funds in connection with federal highway programs for four-lane highway improvements; and

(4) Paying the costs of issuance of the bonds.

(b) The bonds may be issued in one (1) or more series at times, in amounts, and bearing the designations as the commission in consultation with the chief fiscal officer determines.

(c)(1) The bonds shall be general obligations of the State of Arkansas, secured by and payable from the general revenues of the state as set forth in Section 15 of this amendment.

(2) The bonds shall be payable first from the following designated revenues:

(A) Portion of the proceeds of the additional one-half of percent (0.5%) excise tax on gross proceeds or gross receipts; and

(B) Portion of the proceeds of the additional one-half percent (0.5%) compensating excise tax; and

(C) Other revenues designated by the General Assembly for this purpose.

(d)(1) If the amendment is approved, the sales tax and the use tax will be collected over an approximate ten-year period, and so long as the bonds are outstanding.

(2) The sales and use tax shall terminate upon payment in full of the bonds.

(3) If the amendment is not approved, the sales and use taxes shall not be levied and collected.

SECTION 5. Use of proceeds.

(a) There is established on the books of the Treasurer of State, Auditor of State, and the chief fiscal officer of the State a special account within the State Highway and Transportation Department Fund to be designated as the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(b)(1) On the last day of each month, the Treasurer of State, after making the deductions required from the net special revenues as set out in § 19-5-203(b)(1), shall transfer the revenues derived by the one-half cent (0.5¢) taxes levied under this amendment to the State Highway and Transportation Department Fund, the County Aid Fund and the Municipal Aid Fund in the percentages provided in the Arkansas Highway Revenue Distribution Law, § 27-70-201 and § 27-70-206.

(2) The proceeds of the excise taxes transferred to the State Highway and Transportation Department Fund shall be set aside and transferred to the Arkansas Four-Lane Highway Construction and Improvement Bond Account and used for the purposes provided for in this amendment.

(3) The tax revenues accruing from this amendment shall not be designated as special revenues for deposit to the Arkansas Department of Aeronautics Fund under § 27-115-110.

SECTION 6. The Arkansas Highway Revenue Distribution Law, which defines highway revenues, shall include taxes levied and collected by this amendment.

SECTION 7. Effective Date.

(a) The taxes levied by this amendment shall not become effective until after a majority of the qualified electors of the state voting on the question approve the issuance of Four-Lane Highway Construction and Improvement General Obligation Bonds to be repaid in part by the taxes levied by this amendment and deposited to the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund.

(b) If the tax levies and the issuance of the bonds are approved, the effective date of the temporary taxes levied by this amendment shall be July 1, 2013.

SECTION 8. Termination of tax.

(a) If bonds are issued under this amendment, the temporary taxes levied under this amendment shall be abolished when there are no bonds outstanding to which tax collections are pledged as provided in this amendment.

(b)(1) To provide for the accomplishment of the administrative duties of the chief fiscal officer and to protect the owners of the bonds, the tax shall be abolished on the first day of the calendar month after the expiration of thirty (30) days from the date a written statement identifying the tax and the bonds is signed by the chairman and by the trustee for the bondholders, if a trustee is serving in this capacity, and is filed with the chief fiscal officer.

(2) The written statement shall certify that:

(A) The trustee has or will have sufficient funds set aside to pay the principal of and interest on the bonds when due at maturity or at redemption prior to maturity, and the chairman certifies that the tax is not pledged to any other highway bonds; or

(B) There are no longer any bonds outstanding payable from tax collections.

(c) The Department of Finance and Administration shall continue to collect taxes levied under this section during the time the tax levies were in force but unpaid and remit the tax collections under the Arkansas Highway Revenue Distribution Law.

SECTION 9. (a) The General Assembly shall provide for the proper administration and enforcement of this amendment by law.

(b) Unless the General Assembly provides another procedure by law, the provisions of the Arkansas Tax Procedure Act, § 26-18-101 et seq., shall apply to the taxes levied under this amendment and to the reporting, remitting, and enforcement of the tax.

SECTION 10. Procedure for issuing bonds

Before any series of bonds may be issued:

(1)(A) The commission shall, in consultation with the chief fiscal officer, determine the estimated amount of designated tax revenues to be collected by the state in the remainder of the then current fiscal biennium.

(B) The estimated amount of designated tax revenues shall be reported to the commission and Governor;

(2) The commission shall present a report to the Governor that includes the:

(A) Highway construction and improvements to be financed with the proceeds of such series of bonds;

(B) Estimated cost of the four-lane highway construction and improvements;

(C) Amount of bonds necessary to finance such four-lane highway construction and improvements; and

(D) Estimated amount of debt service required to pay the bonds;

(3) Upon receipt of the report required under subdivision (2) of this section, the Governor shall, if he and the Commission determine that the estimated designated tax revenues and any other revenues appropriated by the General Assembly for repayment of bonds will be sufficient to pay the debt service on the series of bonds, by proclamation authorize the commission to proceed with the issuance of such series of bonds.

(4)(A) After the Governor has issued his or her proclamation with respect to one (1) or more series of bonds, the commission shall adopt a resolution authorizing the issuance of the bonds.

(B) Each such resolution shall contain the terms, covenants, and conditions as are desirable and consistent with this amendment, including without limitation the:

(i) Establishment and maintenance of funds and accounts;

(ii) Deposit and investment of tax collections and of bond proceeds; and

(iii) Rights and obligations of the state, its officers and officials, the commission, and the registered owners of the bonds.

(C)(i) Each such resolution of the commission may provide for the execution and delivery by the commission of a trust indenture or trust indentures, with one (1) or more banks or trust companies located within or outside the state, containing any of the terms, covenants, and conditions provided for in this section and other terms and conditions deemed necessary by the commission.

(ii) The trust indenture or trust indentures shall be binding upon the commission, the state, and their respective officers and officials.

SECTION 11. Terms of bonds.

(a)(1) The bonds shall be issued in series as provided for in this section in amounts sufficient to finance all or part of the costs of four-lane highway construction and improvements provided under Section 10 of this amendment.

(2) Each series shall be designated by the year in which the series was issued, and if more than one (1) series is issued in a particular year then by alphabetical designation.

(b) The bonds of each series shall have the date or dates the commission determines and shall mature, or be subject to mandatory sinking fund redemption, over a period ending not later than ten (10) years after the date of implementation of the temporary sales and use tax.

(c)(1) The bonds of each series shall bear interest at the rate or rates determined by the commission at the sale of the bonds.

(2)(A) The bonds may bear interest at either a fixed or a variable rate.

(B) The interest may be taxable or tax-exempt or may be convertible from one (1) interest rate mode to another.

(C) The interest shall be payable at a time determined by the commission.

(d) The bonds:

(1) Shall be issued in the form of bonds registered as to both principal and interest without coupons;

(2) May be in such denominations;

(3) May be made exchangeable for bonds of another form or denomination, bearing the same rate of interest;

(4) May be made payable at places within or outside the state;

(5) May be made subject to redemption prior to maturity in such manner and for such redemption prices; and

(6) May contain other terms and conditions established by the commission.

(e)(1) Each bond shall be executed with the facsimile signatures of the Governor, the chairman, and the Treasurer of the State, and shall have affixed or imprinted on the bond the seal of the State of Arkansas.

(2) Delivery of the executed bonds shall be valid, notwithstanding any change in persons holding the offices occurring after the bonds have been executed.

SECTION 12. Sale of bonds.

(a)(1) The bonds may be sold at a private sale or public sale and at terms as the commission determines to be reasonable and expedient.

(2) The bonds may be sold at a price acceptable to the commission, and the price may include a discount or a premium.

(b)(1) If the bonds are sold at a public sale, the commission shall provide notice of the offering of the bonds in a manner reasonably designed to notify the public finance industry that the offering is being made.

(2) The commission shall set the terms and conditions of bidding, including the basis on which the winning bid will be selected.

(c)(1) The commission may structure the sale of bonds utilizing financing techniques that are recommended by its professional advisors to take advantage of market conditions and obtain the most favorable interest rates consistent with the purposes of this amendment.

(2) The commission may enter into ancillary agreements in connection with the sale of the bonds as necessary and advisable, including without limitation bond purchase agreements, remarketing agreements, letter of credit and reimbursement agreements, and bond insurance agreements.

SECTION 13. Employment of professionals.

The commission may retain professionals it determines are necessary to issue and sell the bonds, including without limitation legal counsel, financial advisors, underwriters, trustees, paying agents, and remarketing agents.

SECTION 14. Investment of proceeds.

Prior to expenditure of the proceeds from the issuance of the bonds, the proceeds from the issuance of the bonds shall be held, maintained, and invested by the trustee as provided in a resolution of the commission or as provided in a trust indenture securing the bonds.

SECTION 15. General obligation.

(a)(1) The bonds issued under this amendment shall be direct general obligations of the State of Arkansas for the payment of the debt service on which the full faith and credit of the State of Arkansas is irrevocably pledged as long as the bonds are outstanding.

(2) The bonds shall be payable from:

(A) The Arkansas Four-Lane Highway Construction and Improvement Bond Account; and

(B) General revenues of the state as that term is defined in the Revenue Stabilization Law, § 19-5-101 et seq.

(3) As necessary, the amount of general revenues is pledged to the payment of debt service on the bonds and shall be and remain pledged for these purposes.

(b)(1) This amendment shall constitute a contract between the State of Arkansas and the registered owners of all bonds issued under this amendment which shall never be impaired, and any violation of its terms, whether under

purported legislative authority or otherwise, may be enjoined by the Circuit Court of Pulaski County upon the complaint of a bond owner or a taxpayer.

(2) The court shall, in any suit against the commission, the Treasurer of State, or other officer or official of the state prevent a diversion of any funds pledged under this amendment and shall compel the restoration of diverted funds, by injunction or mandamus.

(3) Without limitation as to any other appropriate remedy at law or in equity, a bond owner may, by an appropriate action, including without limitation injunction or mandamus, compel the performance of all covenants and obligations of the state, its officers, and officials.

(c) This amendment shall not create a right of any character with respect to the bonds, and a right of any character with respect to the bonds shall not arise under the amendment, unless the first series of bonds authorized by this amendment has been sold and delivered.

SECTION 16. Sources of repayment.

(a) Without in any way limiting the general obligation of the state to repay the bonds, the designated tax revenues are pledged to the payment of the debt service on the bonds.

(b)(1) The Treasurer of State shall establish in the State Highway and Transportation Department a special account known as the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(2) The Treasurer of State shall deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account all designated tax revenues.

(3) The commission may pledge to the repayment of the bonds the full faith and credit of the state and may grant a lien upon the funds on deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account.

(c)(1) On or before commencement of each fiscal year, the commission in consultation with the chief fiscal officer shall determine the estimated amount required for payment of debt service due on each series of bonds issued and outstanding under this amendment during the fiscal year and shall certify the estimated amount to the Treasurer of State.

(2) The Treasurer of State shall then make transfers from the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund to the trustees of each series of bonds, in such amounts and at such times as shall be specified in the indentures, to:

(A) Pay the maturing debt service on each series of bonds issued and outstanding under this amendment; and

(B) Establish and maintain with the trustee for each series of bonds a reserve or reserves for payment of debt service on each series of bonds.

(d) The obligation to make transfers from the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund for the payment of debt service on, and, if applicable, a reserve for, each series of bonds is a first charge against amounts on deposit.

(e) Funds on deposit in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund that are in excess of the obligations set forth in (d) above may be used to:

(1) Redeem bonds prior to maturity in the manner and in accordance with the provisions pertaining to redemption prior to maturity as set forth in the trust indentures authorizing or securing each series of bonds; or

(2) Fund additional four-lane highway construction and improvements in the manner and in accordance with the provisions set forth in the trust indentures authorizing or securing each series of bonds.

(f) If there are insufficient amounts in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund to pay the debt service on bonds issued and

outstanding under this amendment or to fund any necessary reserves at the required level, the State Treasurer shall transfer additional amounts to the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund from the general revenues of the State.

SECTION 17. Investment of revenues.

(a) Moneys held in the Arkansas Four-Lane Highway Construction and Improvement Bond Account in the State Highway and Transportation Department Fund and any fund in the State Treasury created under this amendment shall be invested by the State Board of Finance to the full extent practicable pending disbursement for the purposes intended.

(b) Notwithstanding any other provision of law, the investments and disbursements shall be in accordance with the terms of the resolution or trust indenture authorizing or securing the series of bonds to which the fund appertains to the extent the terms of the resolution or trust indenture are applicable.

SECTION 18. Refunding bonds.

(a) The commission may issue bonds for the purpose of refunding bonds previously issued under this amendment if the total amount of bonds outstanding after the refunding is completed does not exceed the total amount authorized by this amendment, and the final maturity of such refunding bonds shall not exceed ten (10) years from the date of implementation of the tax.

(b) The refunding bonds shall be general obligations of the State of Arkansas and shall be secured and sold in accordance with the provisions of this amendment.

SECTION 19. Tax Exemption.

(a)(1) All bonds issued under this amendment and interest on the bonds shall be exempt from all taxes of the State of Arkansas, including income, inheritance, and property taxes.

(2) Profits from the sale of the bonds shall also be exempt from income taxes.

(b) The bonds shall be eligible to secure deposits of all public funds and shall be legal for investment of municipal, county, bank, fiduciary, insurance company, and trust funds.

SECTION 20. State Aid Street Fund.

(a) Upon the adoption of this amendment, the Department of Finance and Administration shall:

(1) Deposit a total of one cent (1¢) per gallon from revenues distributed under the Arkansas Highway Revenue Distribution Law from the proceeds derived from existing motor fuel taxes and distillate fuel taxes; and

(2) Permanently dedicate the revenues to the State Aid Street Fund created under § 27-72-407.

(b) The State Aid Street Funds shall aid city streets under the law.

SECTION 21. Powers of the commission.

(a) All powers granted to the commission under this amendment shall be in addition to the powers as already exist under Amendment 42 to the Arkansas Constitution and the laws of the State of Arkansas.

(b) A member of the commission or other state official shall not be liable personally for any reason arising from the issuance of bonds under this amendment unless the person acts with corrupt intent.

SECTION 22. Form of submission to the electors.

The proposition set forth shall be submitted for approval or rejection by the electors in substantially the following form:

"A TEMPORARY ONE-HALF PERCENT (0.5%) SALES AND USE TAX FOR STATE HIGHWAYS AND BRIDGES, COUNTY ROADS, BRIDGES AND OTHER SURFACE TRANSPORTATION, AND CITY STREETS, BRIDGES AND OTHER SURFACE TRANSPORTATION, WITH THE STATE'S PORTION TO SECURE STATE OF ARKANSAS GENERAL OBLIGATION FOUR-LANE HIGHWAY CONSTRUCTION AND IMPROVEMENT BONDS AND PERMANENTLY DEDICATING ONE CENT (1¢) PER GALLON OF THE PROCEEDS DERIVED FROM THE EXISTING MOTOR FUEL AND DISTILLATE FUEL TAXES TO THE STATE AID STREET FUND"

On each ballot there shall be printed the following:

"FOR a proposed constitutional amendment to levy a temporary sales and use tax of one-half percent (0.5%) for state highways and bridges, county roads, bridges and other surface transportation, and city streets, bridges and other surface transportation, with the state's portion to secure State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds in the total principal amount not to exceed \$1,300,000,000 for the purpose of constructing and improving four-lane highways in the State of Arkansas, prescribing the terms and conditions for the issuance of such bonds which will mature and be paid in full in approximately ten (10) years, which payment in full shall terminate the temporary sales and use tax, describing the sources of repayment of the bonds and permanently dedicating one cent (1¢) per gallon of the proceeds derived from the existing motor fuel and distillate fuel taxes to the State Aid Street Fund."

"AGAINST a proposed constitutional amendment to levy a temporary sales and use tax of one-half percent (0.5%) for state highways and bridges, county roads, bridges and other surface transportation, and city streets, bridges and other surface transportation, with the state's portion to secure State of Arkansas General Obligation Four-Lane Highway Construction and Improvement Bonds in the total principal amount not to exceed \$1,300,000,000 for the purpose of constructing and improving four-lane highways in the State of Arkansas, prescribing the terms and conditions for the issuance of such bonds which will mature and be paid in full in approximately ten (10) years, which payment in full shall terminate the temporary sales and use tax, describing the sources of repayment of the bonds and permanently dedicating one cent (1¢) per gallon of the proceeds derived from the existing motor fuel and distillate fuel taxes to the State Aid Street Fund."

/s/Barnett

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

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 527, BY SENATOR JONATHAN DISMANG,

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 Dismang, **Senate Bill No. 527** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 187, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 277, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 620, BY JOINT BUDGET COMMITTEE,

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 Malone, **Senate Bill No. 187** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Malone, **Senate Bill No. 277** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Malone, **Senate Bill No. 620** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1304, BY REPRESENTATIVE DARRIN WILLIAMS,
HOUSE BILL NO. 1497, BY REPRESENTATIVE ANDREA LEA,
HOUSE BILL NO. 1561, BY REPRESENTATIVE DENNY ALTES,
HOUSE BILL NO. 1845, BY REPRESENTATIVE BETTY OVERBEY,
HOUSE BILL NO. 1908, BY REPRESENTATIVE FRED ALLEN,
HOUSE BILL NO. 1925, BY REPRESENTATIVE ED GARNER,

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 LINDA CHESTERFIELD
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

HOUSE BILL NO. 1484, BY REPRESENTATIVE DENNY ALTES,
HOUSE BILL NO. 1779, BY REPRESENTATIVE KATHY WEBB,

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 LINDA CHESTERFIELD
CHAIRMAN

ARKANSAS SENATE
EIGHTY-EIGHTH GENERAL ASSEMBLY
REGULAR SESSION

March 24, 2011

Mr. President:

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

SENATE BILL NO. 338, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 718, BY SENATOR SUE MADISON,

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 LINDA CHESTERFIELD
CHAIRMAN

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 60
SENATE BILL NO. 246
SENATE BILL NO. 389
SENATE BILL NO. 399
SENATE BILL NO. 550
SENATE BILL NO. 663
SENATE BILL NO. 679
SENATE BILL NO. 690
SENATE BILL NO. 737
SENATE BILL NO. 765

SENATE BILL NO. 788
SENATE BILL NO. 806
SENATE BILL NO. 839
SENATE BILL NO. 840
SENATE BILL NO. 845
SENATE BILL NO. 863
SENATE BILL NO. 881
SENATE BILL NO. 882
SENATE BILL NO. 883

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1081

HOUSE BILL RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1902 AS AMENDED NOS. 1 & 2

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1450
HOUSE BILL NO. 1544
HOUSE BILL NO. 1545
HOUSE BILL NO. 1604
HOUSE BILL NO. 1738
HOUSE BILL NO. 1783
HOUSE BILL NO. 1784

HOUSE BILL NO. 1811
HOUSE BILL NO. 1947
HOUSE BILL NO. 1952
HOUSE BILL NO. 1953
HOUSE BILL NO. 1955
HOUSE BILL NO. 1980
HOUSE BILL NO. 1991
HOUSE BILL NO. 2029
HOUSE BILL NO. 2032
HOUSE BILL NO. 2045
HOUSE BILL NO. 2050
HOUSE BILL NO. 2068
HOUSE BILL NO. 2070
HOUSE BILL NO. 2088
HOUSE BILL NO. 2128
HOUSE BILL NO. 2153
HOUSE BILL NO. 2179
HOUSE BILL NO. 2188
HOUSE BILL NO. 2202

HOUSE JOINT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED
HOUSE JOINT RESOLUTION NO. 1001

HOUSE CONCURRENT MEMORIAL RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED
HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001

On motion of Senator Whitaker, the Senate adjourned until 1:00 p.m., Monday, March 28, 2011.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE