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

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Little Rock, Arkansas  
January 18, 2011

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

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

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

The Senate was led in prayer by Senator Crumbly.

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 Files, **Senate Resolution No. 1** 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 RESOLUTION NO. 1**

Amend **Senate Resolution No. 1** as originally introduced:  
Add Senator D. Johnson as a cosponsor of the bill

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Resolution No. 1** was ordered engrossed.

STATE OF ARKANSAS  
Mike Beebe  
Governor

January 14, 2011

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on January 14, 2011, I approved the following measure from the Regular Session of the Eighty-eighth General Assembly:

**Senate Concurrent Resolution No. 2**

Sincerely,

(SIGNED) Mike Beebe

ARKANSAS SENATE  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION

January 18, 2011

Mr. President:

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

**SENATE RESOLUTION NO. 1**, BY SENATOR JAKE FILES ET AL,

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

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD  
CHAIRMAN

**SENATE JOINT RESOLUTION NO. 1**  
**EIGHTY-EIGHTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR MADISON**

SENATE JOINT RESOLUTION AMENDING THE ARKANSAS  
CONSTITUTION TO ABOLISH THE OFFICE OF CONSTABLE.

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

SECTION 1. Article 7, Sections 47 and 48 of the Arkansas Constitution are amended to read as follows:

§47. ~~Constables Terms of office Certificate of election~~ Office abolished.

~~The qualified electors of each township shall elect the Constable for the term of two years, who shall be furnished, by the presiding Judge of the County Court, with a certificate of election, on which his official oath shall be indorsed~~ The Office of Constable is abolished.

§48. Commission of officers.

All officers provided for in this article, ~~except Constables,~~ shall be commissioned by the Governor.

**Senate Joint Resolution No. 1** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

**SENATE BILL NO. 44**  
**EIGHTY-EIGHTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR MADISON**

A Bill for an Act to be Entitled: AN ACT TO CREATE AN ARKANSAS STATE IMPORTER PERMIT; TO PROVIDE AN EXCEPTION TO THE POSSESSION OF UNTAXED INTOXICATING LIQUOR FOR PERSONS WHO HAVE BEEN ISSUED A LICENSE BY THE UNITED STATES DEPARTMENT OF THE TREASURY - ALCOHOL AND TOBACCO TAX AND TRADE BUREAU; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 44** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 45  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH LICENSURE REQUIREMENTS OF DOMESTIC SURPLUS LINES INSURERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 45** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 46  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: J. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO RESTRICT COMMERCIAL ACTIVITIES INVOLVING BLUNT WRAPS; AND FOR OTHER PURPOSES.

**Senate Bill No. 46** was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 47  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR G. BAKER

A Bill for an Act to be Entitled: AN ACT TO CREATE THE PREMIUM BIOSOLID MARKETING INCENTIVE ACT; TO PROVIDE INCENTIVES FOR THE SALE AND PURCHASE OF PREMIUM BIOSOLIDS; AND FOR OTHER PURPOSES.

Senate Bill No. 47 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY, & ECONOMIC DEVELOPMENT.

SENATE BILL NO. 48  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 48 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 49  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

**Senate Bill No. 49** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 50  
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 OPERATING, RESEARCH AND DEVELOPMENT EXPENSES FOR THE ARKANSAS BEEF COUNCIL FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

**Senate Bill No. 50** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 51  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 51 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 52  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 52 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 53  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

**Senate Bill No. 53** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 54  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

**Senate Bill No. 54** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

The President declared the morning hour to have expired.

On motion of Senator Baker, **House Bill No. 1090** was called up for third reading and final disposition.

**HOUSE BILL NO. 1090  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WEBB**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR NECESSARY EXPENSES, PAY EXPENSES OF MEMBERS, PAY SALARIES OF EMPLOYEES, PAY FOR SUPPLIES AND EQUIPMENT FOR THE ARKANSAS HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND FOR OTHER PURPOSES.

**House Bill No. 1090** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1090**, 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.

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

**House Bill No. 1090** was ordered immediately returned to the House as passed.

Senate Bill No. 1 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION

January 18, 2011

Mr. President:

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

SENATE BILL NO. 1 BY SENATE EFFICIENCY

beg leave to report that we have carefully compared the enrolled copy with the original and we find the same correctly enrolled and have at 2:35 p.m. delivered it to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR LINDA CHESTERFIELD  
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 1

RECEIVED the above papers from the Secretary of the Senate this 18<sup>th</sup> day of January 2011 at 2:35 p.m.

(SIGNED) Rebecca Rains  
Secretary

SENATE BILL NO. 55  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS B. SAMPLE AND J. KEY  
BY: REPRESENTATIVES CARNINE, B. WILKINS, & SUMMERS

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM TO ADOPT RULES TO REMAIN IN COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 55** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 56  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS G. JEFFRESS AND J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT REGARDING BAIL BONDSMEN CONTINUING EDUCATION; AND FOR OTHER PURPOSES.

**Senate Bill No. 56** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 57  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT CONCERNING SERVICE CREDIT FOR FORMER MILITARY PERSONNEL UNDER THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

**Senate Bill No. 57** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 58  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS STATUTES CONCERNING THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

**Senate Bill No. 58** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 59  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - ALCOHOLIC BEVERAGE CONTROL ENFORCEMENT DIVISION FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER PURPOSES.

**Senate Bill No. 59** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 60  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

**Senate Bill No. 60** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 61  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT CONCERNING CRIMINAL PENALTIES FOR THE POSSESSION OF CERTAIN PROHIBITED WEAPONS; AND FOR OTHER PURPOSES.

Senate Bill No. 61 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 62  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT AMENDING THE UNIFORM CONTROLLED SUBSTANCES ACT CONCERNING CERTAIN CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

Senate Bill No. 62 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 63  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO EXPAND A MEMBER'S OPTIONS FOR DISTRIBUTION OF A MEMBER'S TEACHER DEFERRED RETIREMENT OPTION PLAN IN THE ARKANSAS TEACHER RETIREMENT SYSTEM TO INCLUDE A PARTIAL DISTRIBUTION; TO INCLUDE RECIPROCAL SERVICE WHEN CALCULATING PLAN DEPOSITS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 63** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 64  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ALLOW A MEMBER TO BE ELIGIBLE FOR DISABILITY BENEFITS, SURVIVOR BENEFITS, AND LUMP-SUM DEATH BENEFITS UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM FOR AN ADDITIONAL FISCAL YEAR AFTER THE LAST FISCAL YEAR OF ACTUAL SERVICE; TO DECLARE AN EMERGENCY; TO AUTHORIZE THE BOARD OF TRUSTEES OF THE ARKANSAS TEACHER RETIREMENT SYSTEM TO PROMULGATE RULES CONCERNING ANNUITY OPTIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 64** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 65  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. JEFFRESS  
BY: REPRESENTATIVES HALL, PIERCE & CHEATHAM

A Bill for an Act to be Entitled: AN ACT TO IMPROVE ENROLLMENT OF ARKANSAS CHILDREN IN THE ARKIDS FIRST A AND B MEDICAL ASSISTANCE PROGRAMS; AND FOR OTHER PURPOSES.

**Senate Bill No. 65** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 66  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE COVERAGE FOR THE TREATMENT OF MORBID OBESITY; AND FOR OTHER PURPOSES.

**Senate Bill No. 66** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 67  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS J. JEFFRESS AND G. BAKER

A Bill for an Act to be Entitled: AN ACT TO REESTABLISH THE JOINT INTERIM OVERSIGHT COMMITTEE ON HIGHER EDUCATION REFORM; AND FOR OTHER PURPOSES.

**Senate Bill No. 67** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 68  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO SPECIFY CONDITIONS FOR CALCULATING SERVICE CREDITS UNDER A CONTRACT BUYOUT AGREEMENT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 68** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

SENATE BILL NO. 69  
EIGHTY-EIGHTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT THE SALE OF HERBAL SNUFF TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE; AND FOR OTHER PURPOSES.

Senate Bill No. 69 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR

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HOUSE BILL RETURNED TO THE HOUSE  
AS PASSED  
HOUSE BILL NO. 1090

SENATE BILL RETURNED FROM THE HOUSE  
AS PASSED AND ORDERED ENROLLED  
SENATE BILL NO. 1

On motion of Senator Whitaker, the Senate adjourned until 1:30 p.m., Wednesday, January 19, 2011.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE

