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

Little Rock, Arkansas

February 12, 2013

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:

BLEDSOE, BOOKOUT, BURNETT, CALDWELL,
CHEATHAM, CHESTERFIELD, CLARK, DISMANG,
ELLIOTT, ENGLISH, FILES, FLOWERS, HENDREN,
HESTER, HICKEY, HOLLAND, HUTCHINSON, INGRAM,
IRVIN, JOHNSON, KEY, KING, LAMOUREUX, LINDSEY,
MALOCH, PIERCE, RAPERT, SAMPLE, SANDERS,
STUBBLEFIELD, TEAGUE, THOMPSON, WILLIAMS,
WOOD, WYATT.

The Senate was led in prayer by Reverend Ron Sanders (Father of Senator David Sanders), First Baptist Church of East End.

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

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

On motion of Senator Johnson, [Senate Bill No. 188](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 188](#)

Amend [Senate Bill No. 188](#) as originally introduced:
Delete SECTION 2 in its entirety and appropriately renumber the sections of the bill

(SIGNED) SENATOR DAVID JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 188](#) was ordered engrossed.

On motion of Senator Teague, [Senate Bill No. 243](#) was withdrawn from the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 243](#)

Amend [Senate Bill No. 243](#) as originally introduced:
Add Representatives Lea, Barnett as cosponsors of the bill

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 243 was ordered engrossed.

On motion of Senator David J. Sanders, Senate Bill No. 257 was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 257

Amend Senate Bill No. 257 as originally introduced:

Page 2, delete line 33 and substitute:

"(ii) Aggravated robbery, § 5-12-103, or attempted aggravated robbery;"

AND

Page 3, delete lines 1 and 2 and substitute:

"(vi) Aggravated residential burglary, § 5-39-204; or"

(SIGNED) SENATOR DAVID J. SANDERS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 257 was ordered engrossed.

On motion of Senator David J. Sanders, **Senate Bill No. 259** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 259

Amend **Senate Bill No. 259** as originally introduced:

Page 2, delete line 28 and substitute:

"(ii) Aggravated robbery, § 5-12-103, or attempted aggravated robbery;"

AND

Page 2, delete lines 32 and 33 and substitute:

"(vi) Aggravated residential burglary, § 5-39-204; or"

(SIGNED) SENATOR DAVID J. SANDERS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 259 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 188, BY SENATOR DAVID JOHNSON,

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 BILL SAMPLE
CHAIRMAN

On motion of Senator Johnson, **Senate Bill No. 188** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 243, BY SENATOR LARRY TEAGUE,

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 BILL SAMPLE
CHAIRMAN

On motion of Senator Teague, **Senate Bill No. 243** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 257, BY SENATOR DAVID J. SANDERS,
SENATE BILL NO. 259, BY SENATOR DAVID J. SANDERS,

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 BILL SAMPLE
CHAIRMAN

On motion of Senator Sanders, **Senate Bill No. 257** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Sanders, **Senate Bill No. 259** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 206, BY SENATOR JEREMY HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR JASON RAPERT, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 151, 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 as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JASON RAPERT, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

HOUSE BILL NO. 1244, BY REPRESENTATIVE SHEILLA E. LAMPKIN,

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 EDDIE JOE WILLIAMS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

HOUSE BILL NO. 1201, BY REPRESENTATIVE JOHN BAINE,

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 MISSY IRVIN, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 17, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 19, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 29, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 32, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 34, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 45, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 46, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 49, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 62, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 64, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 67, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 68, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 77, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 84, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 88, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 89, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 91, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 103, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 222, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,

(SIGNED) SENATOR LARRY TEAGUE
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 83, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,

(SIGNED) SENATOR LARRY TEAGUE
CHAIRMAN

On motion of Senator Chesterfield, the Senate resolved itself into the Committee of the Whole for the purpose of presenting a citation to representatives of American Association of University Women.

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

On motion of Senator King, the Senate resolved itself into the Committee of the Whole for the purpose of introducing citizens of Azerbaijan and to promote relationships between Arkansas and Azerbaijan.

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

SENATE RESOLUTION NO. 10
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS MALOCH, BURNETT, CALDWELL, E. CHEATHAM, A. CLARK,
ELLIOTT, J. ENGLISH, S. FLOWERS, J. HENDREN, HICKEY, K. INGRAM, IRVIN,
D. JOHNSON, B. KING, U. LINDSEY, B. PIERCE, TEAGUE, E. WILLIAMS, J. WOODS
& D. WYATT

BY: REPRESENTATIVES LENDERMAN AND RATLIFF

SENATE RESOLUTION RECOGNIZING NATIONAL FFA WEEK.

Senate Resolution No. 10 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE JOINT RESOLUTION NO. 8
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. KING

SENATE JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND PROVISIONS OF THE ARKANSAS CONSTITUTION CONCERNING APPORTIONMENT; AND TO CREATE THE ARKANSAS APPORTIONMENT COMMISSION.

Subtitle

PROPOSING A CONSTITUTIONAL AMENDMENT TO AMEND PROVISIONS OF THE ARKANSAS CONSTITUTION CONCERNING APPORTIONMENT; AND TO CREATE THE ARKANSAS APPORTIONMENT COMMISSION.

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

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for 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. Section 1 of Article 8 of the Arkansas Constitution is amended to read as follows:

§ 1. Board of apportionment Apportionment created — Powers and duties.

(a) A Board board to be known as "The Board of Apportionment," consisting of the Governor (who shall be Chairman Chair), the Secretary of State, and the Attorney General is hereby created and it shall be its imperative duty to make approve the apportionment of representatives in accordance with the provisions hereof; the The action of a majority in each instance shall be deemed the action of said board. [As amended by Const. Amends. 23 and 45.]

(b) The board shall appoint members to the Arkansas Apportionment Commission and approve or reject reports issued by the commission.

SECTION 2. Section 3 of Article 8 of the Arkansas Constitution is amended to read as follows:

§ 3. Senatorial districts -- Thirty-five members of Senate.

The Senate shall consist of thirty-five members. Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of such districts. "The Board of Apportionment" hereby created The Arkansas Apportionment Commission, subject to the approval of the Board of Apportionment, shall, from time to time, divide the state into convenient senatorial districts in such manner as that the Senate shall be based upon the inhabitants of the state, each senator representing, as nearly as practicable, an equal number thereof; each district shall have at least one senator.

SECTION 3. Section 4 of Article 8 of the Arkansas Constitution is amended to read as follows:

§ 4. Duties of Arkansas Apportionment Commission and Board of Apportionment.

On or before February 1 immediately following each Federal federal decennial census, said board the Arkansas Apportionment Commission shall reapportion the State state for Representatives representatives,. The commission shall issue a report to the Board of Apportionment, which shall either accept or reject the report. If the board accepts the report, and in each instance said the board shall file its the report with the

Secretary of State, setting forth (a) the basis of population adopted for representatives; and (b) the number of representatives assigned to each county; whereupon, after After 30 thirty (30) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision be instituted in the Supreme Court within said period.

SECTION 4. Section 5 of Article 8 of the Arkansas Constitution is amended to read as follows:

§ 5. Mandamus to compel Arkansas Apportionment Commission and Board of Apportionment to act.

Original jurisdiction (to be exercised on application of any citizens and taxpayers) is hereby vested in the Arkansas Supreme Court of the State (a) to compel (by mandamus or otherwise) the board Arkansas Apportionment Commission and the Board of Apportionment to perform its duties as here directed, and (b) to revise any arbitrary action of or abuse of discretion by the board in making such apportionment, and (c) to reapportion the state for representatives if the report of the commission is rejected three (3) times by the board; provided any such application for revision or reapportionment shall be filed with said Court within 30 thirty (30) days after the filing acceptance or the third rejection of the report of apportionment by said board with the Secretary of State; if revised or reapportioned by the court, a certified copy of its judgment shall be by the clerk thereof forthwith transmitted to the Secretary of State, and thereupon be and become a substitute for the apportionment made by the commission and the board.

SECTION 5. Article 8 of the Constitution is amended to add additional sections to read as follows:

§ 7. Arkansas Apportionment Commission -- Creation.

(a) There is created the Arkansas Apportionment Commission.

(b)(1) The commission shall consist of nine (9) members.

(2) Three (3) members shall be appointed by the Governor, three (3) members shall be appointed by the Secretary of State, and three (3) members shall be appointed by the Attorney General.

(3) Of the nine (9) members of the commission:

(A) At least one (1) member shall be educated in the field of mathematics;

(B) At least one (1) member shall be a licensed attorney; and

(C) At least one (1) member shall be educated in the field of computer-assisted cartography.

(c) Members of the commission shall be appointed at the commencement of the federal decennial census and shall serve terms of ten (10) years.

(d) Each member of the commission shall:

(1) Be a registered voter of the state;

(2) Not be a registered lobbyist or have been registered as a lobbyist within one (1) year of the date of his or her appointment to the commission; and

(3) Not be a current elected official, an elected state, district, or county political party official, or have served as an elected official or elected state, district, or county political party official within two (2) years of the date of appointment.

(e) A member of the commission shall not campaign for elective office or actively participate in or contribute to the campaign of a person running for a state or federal elected office during his or her term of office or for two (2) years after his or her term of office.

§ 8. Powers and duties of Arkansas Apportionment Commission – Approval by Board of Apportionment.

(a) On or before February 1 immediately following each federal decennial census, the Arkansas Apportionment Commission shall convene to reapportion the state for representatives.

(b)(1) When reapportioning the state for representatives, the commission shall consider the following criteria in the order stated in this subsection:

(A) Population equality;

(B) Any applicable federal civil rights laws;

(C) Contiguity;

(D) Avoiding the division of cities and counties;

(E) Avoiding the division of areas marked by geographical features such as mountains or rivers;

(F) Compactness; and

(G) The drawing of House districts wholly within Senate districts.

(2) The commission may consider the criteria stated under subdivision (b)(1) of this section in an order determined by the commission if special circumstances require that the commission deviate from the order stated in subdivision (b)(1) of this section.

(c) Unless otherwise required by law, the commission shall not consider the following when reapportioning the state for representatives:

(1) Political affiliation of residents;

(2) Previous election results;

(3) Residence of an incumbent elected official; and

(4) Any demographic information other than population.

(d) When considering population while reapportioning the state for representatives, the commission shall not include in population calculations an inmate in a state or local correctional facility who has pleaded guilty or nolo contendere to, or been found guilty of a felony without the sentence having been discharged or pardoned.

(e)(1) The commission shall prepare a report and submit the report to the Board of Apportionment.

(2) The report shall include:

(A) The basis of population adopted for representatives; and

(B) The number of representatives assigned to each county.

(3)(A) The board may choose to accept the report or reject the report and request that the commission make revisions.

(B) The board may reject the report no more than three (3) times.

(f)(1) If the board rejects the report of the commission three (3) times, the apportionment shall be made by the Arkansas Supreme Court.

(2) If the board accepts the report, it shall file the report with the Secretary of State under Section 4 of this article.

SECTION 6. This amendment becomes effective on January 1, 2015.

Senate Joint Resolution No. 8 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 278
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE UNIVERSITY - BEEBE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 278 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 279
EIGHTY-NINTH 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 SAU-TECH FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 279 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 280
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE UNIVERSITY - NEWPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 280 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 281
EIGHTY-NINTH 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 SOUTH ARKANSAS COMMUNITY COLLEGE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 281 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 282
EIGHTY-NINTH 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 UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 282 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 283
EIGHTY-NINTH 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 UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 283 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 284
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. PIERCE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SOUTH ARKANSAS COMMUNITY COLLEGE FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

Senate Bill No. 284 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 285
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALOCH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ECONOMIC DEVELOPMENT COMMISSION FOR CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.

Senate Bill No. 285 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 286
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALOCH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF RURAL SERVICES FOR COMMUNITY GRANTS; AND FOR OTHER PURPOSES.

Senate Bill No. 286 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 287
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALOCH
BY: REPRESENTATIVES FIELDING AND JEAN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SOUTHERN ARKANSAS UNIVERSITY FOR CONSTRUCTION, MAINTENANCE, EQUIPMENT AND LIBRARY RESOURCES; AND FOR OTHER PURPOSES.

Senate Bill No. 287 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 288
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MALOCH AND TEAGUE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE HENDERSON STATE UNIVERSITY FOR CONSTRUCTION, MAINTENANCE, EQUIPMENT AND LIBRARY RESOURCES; AND FOR OTHER PURPOSES.

Senate Bill No. 288 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 289
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MALOCH AND A. CLARK
BY: REPRESENTATIVE LENDERMAN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS AGRICULTURE DEPARTMENT - LIVESTOCK AND POULTRY FOR FUTURE FARMERS OF AMERICA ORGANIZATIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 289 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 290
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. ENGLISH
BY: REPRESENTATIVE LEA

A Bill for an Act to be Entitled: AN ACT CONCERNING THE FEE ASSOCIATED WITH AN APPLICATION FOR A CONCEALED CARRY LICENSE; PROVIDING FOR A REDUCED FEE FOR CERTAIN PERSONS IN ORDER TO ALLOW MORE ARKANSANS THE OPPORTUNITY TO PROTECT THEMSELVES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES

Senate Bill No. 290 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 291
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. ENGLISH

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT THE COLLECTION OF CREDIT CARD SURCHARGES; AND FOR OTHER PURPOSES.

Senate Bill No. 291 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

SENATE BILL NO. 292
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALOCH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ECONOMIC DEVELOPMENT COMMISSION FOR GRANTS TO HEALTH RELATED FACILITIES OR HOSPITALS; AND FOR OTHER PURPOSES.

Senate Bill No. 292 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 293
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO CLARIFY EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSES; AND FOR OTHER PURPOSES.

Senate Bill No. 293 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Holland, **Senate Resolution No. 9** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 9
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HOLLAND**

SENATE RESOLUTION COMMENDING ARKANSAS FARMERS FOR THEIR VITAL CONTRIBUTIONS TO THE SECURITY AND ECONOMIC WELL-BEING OF THE STATE AND THE NATION AND FOR PRODUCING THE FOOD AND FIBER THAT IS ESSENTIAL TO THE HEALTH AND SECURITY OF THE CITIZENS OF THIS STATE AND PEOPLE THROUGHOUT THE WORLD.

Senate Resolution No. 9 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Woods, **Senate Bill No. 55** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 55**

Amend **Senate Bill No. 55** as originally introduced:

Page 1, delete lines 31 through 33 and substitute:

"(a) In addition to any other penalties provided by the laws of the state and except as provided in subsection (b) of this section, a person who pleads guilty or nolo contendere to or has been found guilty of violating this chapter is guilty of a misdemeanor and shall be punished by:"

AND

Page 2, delete lines 2 and 3 and substitute:

"(b) The penalty under this section does not apply if the violation is a felony or has a more serious penalty under this chapter or the laws of this state."

(SIGNED) REPRESENTATIVE MICAH NEAL

Amendment No. 1 to Senate Bill No. 55, 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 Woods, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

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

SENATE BILL NO. 55

As Engrossed: H2/1/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR J. WOODS

BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: AN ACT REGARDING THE PENALTIES FOR VIOLATING THE UNIFORM MOTOR VEHICLE DRIVER'S LICENSE ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 55 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, 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. 55 was ordered enrolled.

The President declared the morning hour to have expired.

On motion of Senator Thompson, **Senate Bill No. 112** was called up for third reading and final disposition.

SENATE BILL NO. 112
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR R. THOMPSON

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE BOARD OF TRUSTEES OF THE ARKANSAS TEACHER RETIREMENT SYSTEM TO ISSUE RULES NECESSARY TO ALIGN WITH THE RULES OF THE INTERNAL REVENUE SERVICE WHEN THE INTERNAL REVENUE SERVICE REMOVES A PENALTY OR LOOSENS A RESTRICTION ON PUBLIC PENSION PLANS TO BENEFIT MEMBERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 112 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: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 112**, 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: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, 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. 112 was ordered immediately transmitted to the House.

On motion of Senator Stubblefield, **Senate Bill No. 170** was called up for third reading and final disposition.

SENATE BILL NO. 170
As Engrossed: S2/5/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS G. STUBBLEFIELD, RAPERT, CALDWELL, HICKEY, B. KING & J.
ENGLISH
BY: REPRESENTATIVES BALLINGER AND MAGIE

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE PREGNANT WOMAN'S PROTECTION ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 170 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: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, 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. 170 was ordered immediately transmitted to the House as passed.

On motion of Senator Williams, **House Bill No. 1034** was called up for third reading and final disposition.

HOUSE BILL NO. 1034
As Engrossed: H1/23/13 H1/31/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES D. WHITAKER, G. LEDING, M. BROADAWAY, M. HODGES & G. MCGILL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING PERSONS REQUIRED TO FILE A STATEMENT OF FINANCIAL INTEREST; AND FOR OTHER PURPOSES.

House Bill No. 1034 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: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1034 was ordered immediately returned to the House as passed.

On motion of Senator Holland, **House Bill No. 1129** was called up for third reading and final disposition.

HOUSE BILL NO. 1129
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE RICE

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE USE OF INSURANCE PREMIUM TAXES; AND FOR OTHER PURPOSES.

House Bill No. 1129 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: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total..... 35

NEGATIVE:

Total..... 0

ABSENT OR NOT VOTING:

Total..... 0

VOTING PRESENT:

Total..... 0

Total number of votes cast 35

Necessary to the passage of the bill..... 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1129 was ordered immediately returned to the House as passed.

HOUSE CONCURRENT RESOLUTION NO. 1003
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE CARTER

HOUSE CONCURRENT RESOLUTION TO PROVIDE FOR RECESS OF THE EIGHTY-NINTH GENERAL ASSEMBLY AT THE CLOSE OF BUSINESS ON APRIL 19, 2013; TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE EIGHTY-NINTH GENERAL ASSEMBLY UNTIL 12:00 NOON, MAY 17, 2013, FOR THE PURPOSE OF CONSIDERING VETOES, CORRECTING ERRORS OR OVERSIGHTS, COMPLETING ITS WORK ON PROPOSED CONSTITUTIONAL AMENDMENTS, CONSIDERING ANY ISSUES THAT MAY ARISE CONCERNING AMENDMENT 82 AUTHORIZED PROJECTS, AND CONSIDERING THE NEED FOR FURTHER EXTENSION OF THE REGULAR SESSION OR TO ADJOURN THE EIGHTY-NINTH GENERAL ASSEMBLY AT ANY TIME BEFORE THAT DATE IF THEY DETERMINE THAT THERE IS NO NEED TO RECONVENE; AND TO PROVIDE THAT IF THE GENERAL ASSEMBLY IS NOT RECONVENED OR ADJOURNED BEFORE 12:00 NOON, MAY 17, 2013, THE REGULAR SESSION OF THE EIGHTY-NINTH GENERAL ASSEMBLY IS ADJOURNED SINE DIE ON THAT DATE.

House Concurrent Resolution No. 1003 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 294
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS J. KEY, BLEDSOE, CALDWELL, J. DISMANG, J. ENGLISH,
HICKEY, HOLLAND, IRVIN & E. WILLIAMS

BY: REPRESENTATIVES GILLAM, BALTZ, BIVIANO, BRAGG, BRANSCUM,
J. BURRIS, CARNINE, COZART, J. DICKINSON, D. DOUGLAS, EUBANKS, FARRER,
FERGUSON, HARRIS, HILLMAN, HOBBS, HODGES, KIZZIA, LINCK, MILLER,
PAYTON, RATLIFF, RICHEY, TALLEY, T. THOMPSON, W. WAGNER & WREN

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

Senate Bill No. 294 was read the first time, rules suspended, read the second
time and referred to the Committee on EDUCATION.

SENATE BILL NO. 295
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE ARKANSAS
EDUCATION BILL OF RIGHTS AND RESPONSIBILITIES; AND FOR OTHER
PURPOSES.

Senate Bill No. 295 was read the first time, rules suspended, read the second
time and referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

February 12, 2013

Mr. President:

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

SENATE BILL NO. 55, BY SENATOR JON WOODS,

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 3:05 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 55

RECEIVED the above papers from the Secretary of the Senate this 12th day of February, 2013 at 3:05 p.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) SAMANTHA WILLIAMS
Secretary

SENATE BILL NO. 296
EIGHTY-NINTH 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 UNIVERSITY OF ARKANSAS AT MONTICELLO FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

Senate Bill No. 296 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 297
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. DISMANG

A Bill for an Act to be Entitled: AN ACT TO AID THE ADMINISTRATION, SALE, AND CONVEYANCE OF TAX-DELINQUENT LANDS; AND FOR OTHER PURPOSES.

Senate Bill No. 297 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 298
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. DISMANG

A Bill for an Act to be Entitled: AN ACT CONCERNING THE TAX TREATMENT OF UTILITIES FOR CERTAIN FACILITIES; TO CREATE AN EXEMPTION FROM THE SALES AND USE TAX FOR UTILITIES USED BY A GRAIN DRYING AND STORAGE FACILITY; AND FOR OTHER PURPOSES.

Senate Bill No. 298 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 299
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS TEAGUE, E. CHEATHAM, B. PIERCE & B. SAMPLE
BY: REPRESENTATIVES BRAGG, LAMPKIN & WARDLAW

A Bill for an Act to be Entitled: AN ACT TO AMEND THE SALES AND USE TAX EXEMPTION FOR TIMBER HARVESTING MACHINERY, EQUIPMENT, AND RELATED ATTACHMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 299 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

SENATE BILL NO. 300
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. DISMANG

A Bill for an Act to be Entitled: AN ACT TO PROVIDE COMPENSATION FOR WORK DONE TO TAX-DELINQUENT LANDS TO PREVENT DETERIORATION OR TO COMPLY WITH CODE REQUIREMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 300 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

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SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 112
SENATE BILL NO. 170

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1034
HOUSE BILL NO. 1129

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1003

On motion of Senator Burnett, the Senate adjourned until 1:30 p.m., Wednesday, February 13, 2013.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE