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

Little Rock, Arkansas
April 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:

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

Senator Bledsoe requested leave for Senator Johnson and Senator Williams. Leave granted.

The Senate was led in prayer by Senator Elliott.

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On motion of Senator Sample, [Senate Bill No. 791](#) was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of Amendment No. 1.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. 791](#)

Amend [Senate Bill No. 791](#) as originally introduced:

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

AND

Delete the subtitle in its entirety and substitute:

"TO REDUCE THE SALES AND USE TAX ON NATURAL GAS AND ELECTRICITY USED BY MANUFACTURERS; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code § 26-52-319(a)-(c), concerning the sales tax on natural gas and electricity used by manufacturers, is amended to read as follows:

(a)(1)(A) Beginning July 1, ~~2007~~ 2013, in lieu of the gross receipts or gross proceeds tax levied in §§ 26-52-301 and 26-52-302, there is levied an excise tax on the gross receipts or gross proceeds derived from the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process at the rate of ~~four and three eighths percent (4.375%)~~ one percent (1%).

~~(2) Beginning July 1, 2008, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of three and seven eighths percent (3.875%).~~

~~(3)(A) Beginning July 1, 2009, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of three and one eighth percent (3.125%).~~

~~(B)(i) The Director of the Department of Finance and Administration shall monitor the amount of tax savings received by all taxpayers as a result of the reduction in the tax rate from that levied in §§ 26-52-301 and 26-52-302 to that levied in subdivision (a)(3)(A) of this section.~~

~~(ii) When the director determines that the amount of tax savings resulting from the determination described in subdivision (a)(3)(B)(i) of this section plus any use tax savings described in § 26-53-148(a)(3)(B) would reach twenty seven million dollars (\$27,000,000) during a fiscal year, the director shall not process any further refund claims through a refund process during the fiscal year for taxpayers seeking to claim the reduced tax rate provided by this section. The amount of twenty seven million dollars (\$27,000,000) is intended to cover the accumulated but unclaimed reduction of sales and use tax on natural gas and electricity as provided by Acts 2007, No. 185, as well as the additional reduction provided by Acts 2009, No. 695.~~

~~(iii) If the director determines that discontinuing refund payments as provided in subdivision (a)(3)(B)(ii) of this section is insufficient to prevent the amount of tax savings from exceeding twenty seven million dollars (\$27,000,000) during a~~

fiscal year, the director may decline to accept any amended return filed by a taxpayer to claim an overpayment resulting from the reduced tax rate provided by this section for a period other than the period for which a tax return is currently due.

~~(C)(i) Refund requests and amended returns filed with the director to claim the overpayment resulting from the reduced rate in subdivision (a)(3)(A) of this section shall be processed in the order they are received by the director. A taxpayer that does not receive a refund after the refund and amended return process has ceased under subdivision (a)(3)(B) of this section shall be given priority to receive a refund during the subsequent fiscal year. The unpaid refunds from the prior fiscal year shall be processed before any refund claims filed in the current fiscal year to claim the benefit of this section.~~

~~(ii) The statute of limitations for refunds and amended returns under § 26-18-306(i)(1)(A) is extended for one (1) year to allow the payment of a refund under the process provided in subdivision (a)(3)(C)(i) of this section.~~

~~(4)(A) Beginning July 1, 2011, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of two and five eighths percent (2.625%).~~

~~(B)(i) The Director of the Department of Finance and Administration shall monitor the amount of tax savings received by all taxpayers as a result of the reduction in the tax rate from that levied in §§ 26-52-301 and 26-52-302 to that levied in subdivision (a)(4)(A) of this section.~~

~~(ii) When the director determines that the amount of tax savings resulting from the determination described in subdivision (a)(4)(B)(i) of this section plus any use tax savings described in § 26-53-148(a)(4)(B) would reach twenty-seven million dollars (\$27,000,000) during a fiscal year, the director shall not process any further refund claims through a refund process during the fiscal year for taxpayers seeking to claim the reduced tax rate provided by this section. The amount of twenty-seven million dollars (\$27,000,000) is intended to cover the accumulated but unclaimed reduction of sales and use tax on natural gas and electricity as provided by this section.~~

~~(iii) If the director determines that discontinuing refund payments as provided in subdivision (a)(4)(B)(ii) of this section is insufficient to prevent the amount of tax savings from exceeding twenty-seven million dollars (\$27,000,000) during a fiscal year, the director may decline to accept any amended return filed by a taxpayer to claim an overpayment resulting from the reduced tax rate provided by this section for a period other than the period for which a tax return is currently due.~~

~~(C)(i) Refund requests and amended returns filed with the director to claim the overpayment resulting from the reduced rate in subdivision (a)(4)(A) of this section shall be processed in the order they are received by the director. A taxpayer that does not receive a refund after the refund and amended return process has ceased under subdivision (a)(4)(B) of this section shall be given priority to receive a refund during the subsequent fiscal year. The unpaid refunds from the prior fiscal year shall be processed before any refund claims filed in the current fiscal year to claim the benefit of this section.~~

~~(ii) The statute of limitations for refunds and amended returns under § 26-18-306(i)(1)(A) is extended for one (1) year to allow the payment of a refund under the process provided in subdivision (a)(4)(C)(i) of this section.~~

(B)(i) Beginning July 1, 2015, the gross receipts or gross proceeds tax levied in §§ 26-52-301 and 26-52-302 and this section shall be levied at a rate of zero percent (0%) on the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process.

(ii) However, the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process shall remain subject to the excise tax of one-eighth of one percent (1/8 of 1%) levied in Amendment 75 to the Arkansas Constitution and the temporary excise tax of one-half percent (1/2%) levied in Amendment 91 to the Arkansas Constitution.

~~(5) (2) The taxes levied in this subsection shall be distributed as follows:~~

~~(A) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received by the director~~ Director of the Department of Finance and Administration shall be deposited as general revenues;

(B) Eight and five-tenths percent (8.5%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Property Tax Relief Trust Fund; and

(C) Fourteen and nine-tenths percent (14.9%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Educational Adequacy Fund.

~~(6)(A)~~ (3)(A) The excise tax levied in this section applies only to natural gas and electricity sold for use directly in the actual manufacturing process.

(B) Natural gas and electricity sold for any other purpose ~~shall be~~ are subject to the full gross receipts or gross proceeds tax levied under §§ 26-52-301 and 26-52-302.

~~(7)~~ (4) The excise tax levied in this section 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) As used in this section, "manufacturer" means a:

(1) Manufacturer classified within sectors 31 through 33 of the North American Industry Classification System, as in effect on January 1, 2011; or

(2) Generator of electric power classified within sector 22 of the North American Industry Classification System, as in effect on January 1, 2011, that uses natural gas to operate a new or existing generating facility that uses combined-cycle gas turbine technology.

(c)(1) Except as otherwise provided in ~~subdivision (c)(2)(C) of this section~~ this subsection, the tax rate under subsection (a) of this section does not apply to a manufacturer as defined in subdivision (b)(2) of this section.

(2) In lieu of the tax rate under subsection (a) of this section, the excise tax rate levied on the gross receipts or gross proceeds derived from the sale of natural gas and electricity to a manufacturer as defined in subdivision (b)(2) of this section to operate a new or existing facility that uses combined-cycle gas turbine technology is as follows:

(A) Beginning January 1, 2012, five and ~~one-eighths~~ one-eighth percent (5.125%);

(B) Beginning January 1, 2013, four and ~~one-eighths~~ one-eighth percent (4.125%); ~~and~~

(C) Beginning January 1, 2014, two and five-eighths percent (2.625%); ~~and~~

(D) Beginning January 1, 2015, one percent (1%).

~~(3)(A) The amount of tax savings described in subdivision (a)(4)(B)(i) of this section does not include any tax savings received by a manufacturer as defined in subdivision (b)(2) of this section.~~

~~(B) Manufacturers as defined in subdivision (b)(2) of this section are not subject to the dollar limitations on refunds and amended returns stated in subsection (a) of this section.~~

~~(4)~~ (3) The taxes levied in this subsection shall be distributed in the same manner as ~~set out~~ stated in subsection (a) of this section.

SECTION 2. Arkansas Code § 26-53-148(a)–(c), concerning the compensating use tax on natural gas and electricity used by manufacturers, are amended to read as follows:

(a)(1)~~(A)~~ Beginning July 1, ~~2007~~ 2013, in lieu of the tax levied in §§ 26-53-106 and 26-53-107, there is levied an excise tax on the sales price of natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process at the rate of ~~four and three-eighths percent (4.375%)~~ one percent (1%).

~~(2) Beginning July 1, 2008, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of three and seven-eighths percent (3.875%).~~

~~(3)(A) Beginning July 1, 2009, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of three and one-eighth percent (3.125%).~~

~~(B)(i) The Director of the Department of Finance and Administration shall monitor the amount of tax savings received by all taxpayers as a result of the~~

reduction in the tax rate from that levied in §§ 26-53-106 and 26-53-107 to that levied in subdivision (a)(3)(A) of this section.

~~(ii) When the director determines that the amount of tax savings resulting from the determination described in subdivision (a)(3)(B)(i) of this section plus any gross receipts tax savings described in § 26-52-319(a)(3)(B) would reach twenty-seven million dollars (\$27,000,000) during a fiscal year, the director shall not process any further refund claims through a refund process during the fiscal year for taxpayers seeking to claim the reduced tax rate provided by this section. The amount of twenty-seven million dollars (\$27,000,000) is intended to cover the accumulated but unclaimed reduction of sales and use tax on natural gas and electricity as provided by Acts 2007, No. 185, as well as the additional reduction provided by Acts 2009, No. 695.~~

~~(iii) If the director determines that discontinuing refund payments as provided in subdivision (a)(3)(B)(ii) of this section is insufficient to prevent the amount of tax savings from exceeding twenty-seven million dollars (\$27,000,000) during a fiscal year, the director may decline to accept any amended return filed by a taxpayer to claim an overpayment resulting from the reduced tax rate provided by this section for a period other than the period for which a tax return is currently due.~~

~~(C)(i) Refund requests and amended returns filed with the director to claim the overpayment resulting from the reduced rate in subdivision (a)(3)(A) of this section will be processed in the order they are received by the director. A taxpayer that does not receive a refund after the refund and amended return process has ceased under subdivision (a)(3)(B) of this section shall be given priority to receive a refund during the subsequent fiscal year. The unpaid refunds from the prior fiscal year shall be processed before any refund claims filed in the current fiscal year to claim the benefit of this section.~~

~~(ii) The statute of limitations for refunds and amended returns under § 26-18-306(i)(1)(A) is extended for one (1) year to allow the payment of a refund under the process provided in subdivision (a)(3)(C)(i) of this section.~~

~~(4)(A) Beginning July 1, 2011, the tax rate levied in subdivision (a)(1) of this section shall be imposed at the rate of two and five eighths percent (2.625%).~~

~~(B)(i) The Director of the Department of Finance and Administration shall monitor the amount of tax savings received by all taxpayers as a result of the reduction in the tax rate from that levied in §§ 26-53-106 and 26-53-107 to that levied in subdivision (a)(4)(A) of this section.~~

~~(ii) When the director determines that the amount of tax savings resulting from the determination described in subdivision (a)(4)(B)(i) of this section plus any gross receipts tax savings described in § 26-52-319(a)(4)(B) would reach twenty-seven million dollars (\$27,000,000) during a fiscal year, the director shall not process any further refund claims through a refund process during the fiscal year for taxpayers seeking to claim the reduced tax rate provided by this section. The amount of twenty-seven million dollars (\$27,000,000) is intended to cover the accumulated but unclaimed reduction of sales and use tax on natural gas and electricity as provided by this section.~~

~~(iii) If the director determines that discontinuing refund payments as provided in subdivision (a)(4)(B)(ii) of this section is insufficient to prevent the amount of tax savings from exceeding twenty-seven million dollars (\$27,000,000) during a fiscal year, the director may decline to accept any amended return filed by a taxpayer to claim an overpayment resulting from the reduced tax rate provided by this section for a period other than the period for which a tax return is currently due.~~

~~(C)(i) Refund requests and amended returns filed with the director to claim the overpayment resulting from the reduced rate in subdivision (a)(4)(A) of this section will be processed in the order they are received by the director. A taxpayer that does not receive a refund after the refund and amended return process has ceased under subdivision (a)(4)(B) of this section shall be given priority to receive a refund during the subsequent fiscal year. The unpaid refunds from the prior fiscal year shall be processed before any refund claims filed in the current fiscal year to claim the benefit of this section.~~

~~(ii) The statute of limitations for refunds and amended returns under § 26-18-306(i)(1)(A) is extended for one (1) year to allow the payment of a refund under the process provided in subdivision (a)(4)(C)(i) of this section.~~

(B)(i) Beginning July 1, 2015, the compensating use tax levied in §§ 26-53-106 and 26-53-107 and this section shall be levied at a rate of zero percent (0%) on natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process.

(ii) However, natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process shall remain subject to the excise tax of one-eighth of one percent (1/8 of 1%) levied in Amendment 75 to the Arkansas Constitution and the temporary excise tax of one-half percent (1/2%) levied in Amendment 91 to the Arkansas Constitution.

~~(5) (2)~~ The taxes levied in this subsection shall be distributed as follows:

(A) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received by the ~~director~~ Director of the Department of Finance and Administration shall be deposited as general revenues;

(B) Eight and five-tenths percent (8.5%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Property Tax Relief Trust Fund; and

(C) Fourteen and nine-tenths percent (14.9%) of the tax, interest, penalties, and costs received by the director shall be deposited into the Educational Adequacy Fund.

~~(6)(A) (3)(A)~~ The excise tax levied in this section applies only to natural gas and electricity purchased for use directly in the actual manufacturing process.

(B) Natural gas and electricity purchased for any other purpose shall be subject to the full compensating use tax levied under §§ 26-53-106 and 26-53-107.

~~(7) (4)~~ The excise tax levied in this section 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 compensating use taxes.

(b) As used in this section, "manufacturer" means a:

(1) Manufacturer classified within sectors 31 through 33 of the North American Industry Classification System, as in effect on January 1, 2011; or

(2) Generator of electric power classified within sector 22 of the North American Industry Classification System, as in effect on January 1, 2011, that uses natural gas to operate a new or existing generating facility that uses combined-cycle gas turbine technology.

(c)(1) Except as otherwise provided in ~~subdivision (c)(2)(C) of this section~~ this subsection, the tax rate under subsection (a) of this section does not apply to a manufacturer as defined in subdivision (b)(2) of this section.

(2) In lieu of the tax rate under subsection (a) of this section, the excise tax rate levied on the sales price of natural gas and electricity purchased by a manufacturer as defined in subdivision (b)(2) of this section to operate a new or existing facility that uses combined-cycle gas turbine technology is as follows:

(A) Beginning January 1, 2012, five and ~~one-eighths~~ one-eighth percent (5.125%);

(B) Beginning January 1, 2013, four and ~~one-eighths~~ one-eighth percent (4.125%); ~~and~~

(C) Beginning January 1, 2014, two and five-eighths percent (2.625%); ~~and~~

(D) Beginning January 1, 2015, one percent (1%).

~~(3)(A) The amount of tax savings described in subdivision (a)(4)(B)(i) of this section does not include any tax savings received by a manufacturer as defined in subdivision (b)(2) of this section.~~

~~(B) Manufacturers as defined in subdivision (b)(2) of this section are not subject to the dollar limitations on refunds and amended returns stated in subsection (a) of this section.~~

~~(4)~~ (3) The taxes levied in this subsection shall be distributed in the same manner as ~~set out~~ stated in subsection (a) of this section.

SECTION 3. Arkansas Code § 19-5-1103(b), concerning the Property Tax Relief Trust Fund, is amended to read as follows:

(b) The fund shall consist of such revenues as generated by §§ 26-52-302(c), 26-52-317(c)(1)(B), ~~26-52-319(a)(3)(B)~~ 26-52-319(a)(2)(B), 26-53-107(c), 26-53-145(c)(1)(B), ~~26-53-148(a)(3)(B)~~ 26-53-148(a)(2)(B), 26-56-201(g)(1)(C), and 26-56-224(c)(2), and shall be used for such purposes as set out in § 26-26-310.

SECTION 4. Arkansas Code § 19-5-1227(b)(3), concerning the moneys included in the Educational Adequacy Fund, is amended to read as follows:

(3) The revenues generated by §§ 26-52-302(d), 26-52-316, 26-52-317(c)(1)(C), ~~26-52-319(a)(3)(C)~~ 26-52-319(a)(2)(C), 26-53-107(d), 26-53-145(c)(1)(C), ~~26-53-148(a)(3)(C)~~ 26-53-148(a)(2)(C), 26-56-201(g)(1)(B), 26-56-224(c)(3), and 26-57-1002(d)(1)(A)(ii); and

SECTION 5. Arkansas Code § 19-6-201(59), concerning the enumeration of general revenues, is amended to read as follows:

(59) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received on excise taxes levied on the gross receipts or gross proceeds derived from the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process, § ~~26-52-319(a)(3)(A)~~ 26-52-319(a)(1)(A);

SECTION 6. Arkansas Code § 19-6-201(61), concerning the enumeration of general revenues, is amended to read as follows:

(61) Seventy-six and six-tenths percent (76.6%) of the tax, interest, penalties, and costs received on excise taxes levied on the sales price of natural gas and electricity purchased by a manufacturer for use directly in the actual manufacturing process, § ~~26-53-148(a)(3)(A)~~ 26-53-148(a)(1)(A);

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the costs of manufacturing continue to rise; that the Arkansas unemployment rate continues to be high; that the economy has dramatically affected manufacturers, resulting in layoffs of numerous Arkansans; that reducing the sales and use tax on natural gas and electricity used by manufacturers would provide manufacturers with additional revenues to support an increase in their number of employees, which would increase production and provide lucrative employment for Arkansans; and that this act is necessary to aid the continual recovery of the Arkansas economy. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2013."

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 791 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 791, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Sample, **Senate Bill No. 791** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 996, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 1011, BY SENATOR MISSY IRVIN,

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

Respectfully submitted,

(SIGNED) SENATOR JOYCE ELLIOTT, VICE CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 1147, BY SENATOR LINDA CHESTERFIELD,

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

Respectfully submitted,

(SIGNED) SENATOR JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1939, BY REPRESENTATIVE CHARLOTTE DOUGLAS,

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 JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1789, BY REPRESENTATIVE MARK LOWERY,

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 JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 984, BY SENATOR DAVID SANDERS,

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 CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 515, BY SENATOR CECILE BLEDSOE,

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. 3.

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 1159, BY SENATOR DAVID SANDERS,

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 CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1901, BY REPRESENTATIVE NATE STEEL,

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 CECILE BLEDSOE, CHAIRMAN

STATE OF ARKANSAS

Mike Beebe
Governor

April 12, 2013

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on April 12, 2013, I approved the following measures from the Regular Session of the Eighty-Ninth General Assembly:

Senate Bill No. 013 - ACT 1160
Senate Bill No. 182 - ACT 1161
Senate Bill No. 186 - ACT 1162
Senate Bill No. 362 - ACT 1163
Senate Bill No. 688 - ACT 1164
Senate Bill No. 782 - ACT 1165
Senate Bill No. 802 - ACT 1166
Senate Bill No. 871 - ACT 1167
Senate Bill No. 926 - ACT 1168
Senate Bill No. 968 - ACT 1169
Senate Bill No. 973 - ACT 1170
Senate Bill No. 974 - ACT 1171
Senate Bill No. 989 - ACT 1172
Senate Bill No. 997 - ACT 1173
Senate Bill No. 1005 - ACT 1174
Senate Bill No. 1016 - ACT 1175
Senate Bill No. 1023 - ACT 1176
Senate Bill No. 1028 - ACT 1177
Senate Bill No. 1032 - ACT 1178
Senate Bill No. 1033 - ACT 1179
Senate Bill No. 1036 - ACT 1180
Senate Bill No. 1038 - ACT 1181
Senate Bill No. 1043 - ACT 1182
Senate Bill No. 1044 - ACT 1183
Senate Bill No. 1048 - ACT 1184
Senate Bill No. 1065 - ACT 1185
Senate Bill No. 1070 - ACT 1186
Senate Bill No. 1071 - ACT 1187
Senate Bill No. 1087 - ACT 1188
Senate Bill No. 1092 - ACT 1189
Senate Bill No. 1095 - ACT 1190
Senate Bill No. 1116 - ACT 1191
Senate Bill No. 1123 - ACT 1192
Senate Bill No. 1134 - ACT 1193
Senate Bill No. 1138 - ACT 1194
Senate Bill No. 1146 - ACT 1195
Senate Bill No. 1162 - ACT 1196

Senate Bill No. 1168 - ACT 1197
Senate Bill No. 1174 - ACT 1198
Senate Bill No. 1192 - ACT 1199

Sincerely,

(SIGNED) MIKE BEEBE

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 33, BY SENATOR JOYCE ELLIOTT, ET AL,
SENATE BILL NO. 65, BY SENATOR JOHNNY KEY, ET AL,
SENATE BILL NO. 225, BY SENATOR EDDIE JOE WILLIAMS,
SENATE BILL NO. 251, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 297, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 361, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 541, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 542, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 585, BY SENATOR JAKE FILES,
SENATE BILL NO. 784, BY SENATOR JAKE FILES,
SENATE BILL NO. 796, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 830, BY SENATOR ALAN CLARK, ET AL,
SENATE BILL NO. 836, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 869, BY SENATOR JOYCE ELLIOTT ET AL,
SENATE BILL NO. 874, BY SENATOR JASON RAPERT,
SENATE BILL NO. 1002, BY SENATOR ROBERT THOMPSON,
SENATE BILL NO. 1013, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 1019, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 1072, BY SENATOR JAKE FILES,
SENATE BILL NO. 1133, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 1184, BY SENATOR JAKE FILES,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly enrolled and have at 9:20 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 33
 SENATE BILL NO. 65
 SENATE BILL NO. 225
 SENATE BILL NO. 251
 SENATE BILL NO. 297
 SENATE BILL NO. 361
 SENATE BILL NO. 541
 SENATE BILL NO. 542
 SENATE BILL NO. 585
 SENATE BILL NO. 784
 SENATE BILL NO. 796
 SENATE BILL NO. 830
 SENATE BILL NO. 836
 SENATE BILL NO. 869
 SENATE BILL NO. 874
 SENATE BILL NO. 1002
 SENATE BILL NO. 1013
 SENATE BILL NO. 1019
 SENATE BILL NO. 1072
 SENATE BILL NO. 1133
 SENATE BILL NO. 1184

RECEIVED the above papers from the Secretary of the Senate this 12th day of April, 2013 at 9:20 a.m.

(SIGNED) MIKE BEEBE
 Governor

(SIGNED) SARAH AGEE
 Secretary

On motion of Senator Sample, **Senate Bill No. 866** 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. 866

Amend **Senate Bill No. 866** as engrossed, S4/1/13:

Add Representative Kerr as a cosponsor of the bill

AND

Page 1, delete lines 28 and 29, and substitute the following:
“subdivision (A) shall be full paid fire chiefs, one (1) shall be a volunteer fire chief, and one (1) shall be a retired fire chief or a volunteer fire chief.”

AND

Page 1, line 33, delete “three (3) of which” and substitute “of which all of whom”

AND

Page 1, delete lines 34 and 35, and substitute the following:
“firefighters and ~~two (2)~~ of which shall be career firefighters;”

AND

Page 2, delete line 8, and substitute the following:
“~~Commission~~ Fire Training Academy, the Director of the Arkansas Department of Emergency Management or his or her designee, and the State Fire Marshal or his or her designee shall be an ex officio member members.”

AND

Page 2, line 31, delete “or”

AND

Page 2, delete line 32, and substitute the following:
“under this act shall be determined at the discretion of the Arkansas Fire”

(SIGNED) REPRESENTATIVE ALLEN KERR

Amendment No. 1 to Senate Bill No. 866, 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. 866** was called up for third reading and final disposition.

SENATE BILL NO. 866
As Engrossed: S4/1/13 H4/6/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE
BY: REPRESENTATIVE KERR

A Bill for an Act to be Entitled: AN ACT TO AMEND THE MEMBERSHIP OF THE ARKANSAS FIRE PROTECTION SERVICES BOARD; AND FOR OTHER PURPOSES.

Senate Bill No. 866 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED: D. Johnson, E. Williams.	
Total.....	2
VOTING PRESENT:	
Total	0
Total number of votes cast.....	33
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. 866 was ordered enrolled.

On motion of Senator Burnett, **Senate Bill No. 932** 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. 932

Amend **Senate Bill No. 932** as engrossed, S4/2/13:

Add Representatives Williams and Steel as cosponsors of the bill

(SIGNED) REPRESENTATIVE DARRIN WILLIAMS

Amendment No. 1 to Senate Bill No. 932, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

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

On motion of Senator Burnett, **Senate Bill No. 932** was called up for third reading and final disposition.

SENATE BILL NO. 932
As Engrossed: S3/21/13 S4/2/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BURNETT

A Bill for an Act to be Entitled: AN ACT CONCERNING ELIGIBILITY TO FILE A UNIFORM PETITION TO SEAL A MISDEMEANOR OFFENSE OR VIOLATION; AND FOR OTHER PURPOSES.

Senate Bill No. 932 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total 33

NEGATIVE:

Total 0

ABSENT OR NOT VOTING:

Total 0

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast..... 33

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. 932 was ordered enrolled.

On motion of Senator Sample, **Senate Resolution No. 32** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 32
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE

SENATE RESOLUTION TO SUPPORT THE AUTHORIZATION OF CERTAIN STATE AGENCIES AND INSTITUTIONS TO PROVIDE POSTSECONDARY EDUCATION AND COMPLAINT PROCEDURES PURSUANT TO 34 C.F.R. SECTION 600.9 AND 600.9(A)(1)(i) AND (ii).

Senate Resolution No. 32 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator King, **Senate Bill No. 1182** was 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. 1182

Amend **Senate Bill No. 1182** as originally introduced:

Page 1, delete line 28 and substitute the following:

"(3) Have a bachelor's degree from an accredited"

(SIGNED) SENATOR BRYAN KING

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1182 was ordered engrossed.

On motion of Senator Sample, **Senate Bill No. 1031** was 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. 1031

Amend **Senate Bill No. 1031** as originally introduced:

Page 1, line 26, delete "~~assessed but other costs or fees shall not be assessed~~" and substitute "assessed but other costs or fees shall not be assessed"

(SIGNED) SENATOR DAVID JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1031 was ordered engrossed.

* * * * * **RECEDE** * * * * *

On motion of Senator Pierce, **House Bill No. 1840** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1840

Amend **House Bill No. 1840** as engrossed, H4/6/13:

Page 1, delete lines 24 through 27 and substitute:

"(16)(A) An agent, employee, or sales representative of an alarm system company, if the employee or sales representative:
(i) Does not alter, install, maintain, move, repair, replace, service, or reconfigure an alarm system or any individual component connected to that system, at an end-user's premises;"

(SIGNED) SENATOR ROBERT THOMPSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1840 was ordered engrossed.

* * * * * **RECEDE** * * * * *

The record pertaining to the adoption of Amendment No. 1 to **House Bill No. 1840** was receded from, in accordance with a prevailing motion on April 15, 2013.

On motion of Senator Files, **House Bill No. 1996** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 1996

Amend **House Bill No. 1996** as engrossed, H4/6/13:

Page 2, delete lines 3 through 6 and substitute the following:

"(3)(A) "Captured plate data" means the global positioning device coordinates, date and time, photograph, license plate number, and any other data captured by or derived from any automatic license plate reader system;
(B) Captured plate data shall not include any personal data;
(4) "Governmental entity" means a lawfully created branch,"

AND

Page 2, delete line 31 and substitute the following:

"be preserved for more than one hundred fifty (150) days."

AND

Page 3, delete lines 12 through 36 and substitute the following:

"under § 12-12-1803(b)(1) that indicates evidence of an offense may be shared with other law enforcement agencies."

AND

Page 4, line 1 delete

AND

Page 4, line 2, delete "12-12-1806." and substitute "12-12-1805."

AND

Page 4, delete lines 19 through 36 and substitute the following:

"prosecution; and

(4)(A) Promulgate rules and policies concerning the manner and method of obtaining, retaining, and destroying captured plate data, including, without limitation, specific rules and policies concerning retention of material in excess of one hundred fifty (150) days under § 12-12-1804(b), and make those rules and policies available for public inspection.

(B) Failure to comply with subdivision (b)(4)(A) of this"

AND

Page 5, line 1, delete

AND

Page 5, line 5, delete "12-12-1807." and substitute "12-12-1806."

AND

Page 5, line 13, delete "12-12-1808." and substitute "12-12-1807."

AND

Page 5, line 22, delete "12-12-1809." and substitute "12-12-1808."

AND

Page 6, line 2, delete "under a disclosure order under § 12-12-1805(b) or"

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1996 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Sample, the rules were suspended in considering **House Bill No. 2028** at this time.

On motion of Senator Sample, **House Bill No. 2028** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2028

Amend **House Bill No. 2028** as engrossed, H4/2/13:

Page 3, line 3, delete "sale" and substitute "sales"

AND

Page 3, line 5, delete "the information"

AND

Page 4, line 19, delete "(a)"

AND

Page 4, delete lines 26 and 27

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2028 was ordered engrossed.

On motion of Senator Maloch, [Senate Bill No. 971](#) was withdrawn from the Committee on INSURANCE & COMMERCE, and placed on the Calendar.

Without objection, [Senate Bill No. 971](#) was withdrawn by the author, Senator Maloch.

On motion of Senator Sanders, [Senate Bill No. 1185](#) was withdrawn from the Committee on REVENUE & TAXATION, and placed on the Calendar.

Without objection, [Senate Bill No. 1185](#) was withdrawn by the author, Senator Sanders.

Senator Clark moved that the record pertaining to the vote by which [House Bill No. 1712](#) passed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Clark, the rules were suspended in considering [House Bill No. 1712](#) at this time.

On motion of Senator Clark, [House Bill No. 1712](#) was placed back on second reading for purpose of Amendment No. 2.

[ARKANSAS SENATE](#)
[EIGHTY-NINTH GENERAL ASSEMBLY](#)
[REGULAR SESSION](#)
[Amendment No. 2 to HOUSE BILL NO. 1712](#)

Amend [House Bill No. 1712](#) as engrossed, S4/8/13:

Page 1, line 9, delete "TO PREVENT THE USE OF CERTAIN ELECTRONIC" and substitute "CONCERNING CERTAIN VOTING PROCEDURES AND VOTER PRIVACY"

AND

Page 1, line 10, delete "DEVICES IN THE POLLING PLACE"

AND

Delete the subtitle in its entirety and substitute:

"CONCERNING CERTAIN VOTING PROCEDURES AND
VOTER PRIVACY."

(SIGNED) SENATOR ALAN CLARK

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1712 was ordered engrossed.

On motion of Senator Dismang, **Senate Joint Resolution No. 7** was called up for third reading and final disposition.

SENATE JOINT RESOLUTION NO. 7

As Engrossed: S3/6/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR J. DISMANG

BY: REPRESENTATIVE LEA

SENATE JOINT RESOLUTION

*AN AMENDMENT TO THE ARKANSAS CONSTITUTION
PROVIDING THAT ADMINISTRATIVE RULES
PROMULGATED BY STATE AGENCIES SHALL NOT
BECOME EFFECTIVE UNTIL REVIEWED AND APPROVED
BY A LEGISLATIVE COMMITTEE OF THE GENERAL
ASSEMBLY.*

Subtitle
AN AMENDMENT TO THE ARKANSAS
CONSTITUTION CONCERNING THE REVIEW
AND APPROVAL OF ADMINISTRATIVE RULES
BY A LEGISLATIVE COMMITTEE.

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. Article 5 of the Arkansas Constitution is amended to add an additional section to read as follows:

§ 42. Review and approval of administrative rules.

(a) The General Assembly may provide by law:

(1) For the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective; and

(2) That administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules under subdivision (a)(1) of this section.

(b) The review and approval by a legislative committee under subsection (a) of this section may occur during the interim or during a regular, special, or fiscal session of the General Assembly.

/s/J. Dismang

ROLL CALL

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

Total32

NEGATIVE: S. Flowers.

Total1

ABSENT OR NOT VOTING:

Total0

EXCUSED: D. Johnson, E. Williams.

Total2

VOTING PRESENT:

Total0

Total number of votes cast..... 33
Necessary to the adoption of the resolution..... 24

Senate Joint Resolution No. 7 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Joint Resolution No. 7 was ordered immediately transmitted to the House.

Senator Sample made a motion to re-refer Senate Joint Resolution No. 16 to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS. By a voice vote, the motion failed.

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

On motion of Senator Dismang, Senate Joint Resolution No. 16 was called up for third reading and final disposition.

SENATE JOINT RESOLUTION NO. 16

As Engrossed: S3/20/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR B. SAMPLE

SENATE JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 5, SECTION 1, OF THE ARKANSAS CONSTITUTION CONCERNING INITIATIVE AND REFERENDUM; AND PROVIDING CERTAIN REQUIREMENTS FOR THE CORRECTION OR AMENDMENT OF INSUFFICIENT STATE-WIDE PETITIONS.

Subtitle
PROPOSING AN AMENDMENT TO ARTICLE 5,
SECTION 1, OF THE ARKANSAS
CONSTITUTION CONCERNING INITIATIVE
AND REFERENDUM.

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. The subsection of Article 5, Section 1, of the Arkansas Constitution titled "Amendment of Petition" is amended to read as follows:

Amendment of Petition. (a)(1) If the Secretary of State, county clerk or city clerk, as the case may be, shall decide any petition to be insufficient, he or she shall without delay notify the ~~spensers~~ sponsors of such petition, and permit at least thirty (30) days from the date of such notification, in the instance of a state-wide petition, or ten (10) days in the instance of a municipal or county petition, for correction or amendment.

(2) For a state-wide petition, correction or amendment of an insufficient petition shall be permitted only if the petition contains valid signatures of legal voters equal to:

(A) At least ninety percent (90%) of the number of state-wide signatures of legal voters required; and

(B) At least ninety percent (90%) of the required number of signatures of legal voters from each of at least fifteen (15) counties of the state.

(b) In the event of legal proceedings to prevent giving legal effect to any petition upon any grounds, the burden of proof shall be upon the person or persons attacking the validity of the petition.

/s/B. Sample

Senator Key spoke against the Resolution.

Senator Sample closed for his Resolution.

ROLL CALL

AFFIRMATIVE: Caldwell, J. Dismang, Files, Hickey, Holland, J. Hutchinson, K. Ingram, B. King, B. Pierce, B. Sample, D. Wyatt.

Total11

NEGATIVE: Bledsoe, Burnett, A. Clark, J. English, S. Flowers, J. Hendren, Hester, Irvin, J. Key, U. Lindsey, Maloch, Rapert, Teague.

Total 13

ABSENT OR NOT VOTING: Bookout, E. Cheatham, L. Chesterfield, Elliott, M. Lamoureux, D. Sanders, G. Stubblefield, R. Thompson, J. Woods.

Total 9

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast 24

Necessary to the passage of the bill 24

So the Resolution failed of adoption.

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

The record pertaining to the vote by which **Senate Joint Resolution No. 16** failed was expunged, in accordance with a prevailing motion on April 12, 2013.

Senator Sample moved that the record pertaining to the vote by which **Senate Joint Resolution No. 16** failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Sample, **Senate Joint Resolution No. 16** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Woods, [House Joint Resolution No. 1009](#) was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Flowers, [Senate Bill No. 736](#) 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. 736](#)

Amend [Senate Bill No. 736](#) as originally introduced:

Delete Representatives F. Smith, H. Wilkins as cosponsors of the bill

AND

Add Representatives E. Armstrong, F. Smith, H. Wilkins, Love as cosponsors of the bill

(SIGNED) REPRESENTATIVE FRED SMITH

[Amendment No. 1 to Senate Bill No. 736](#), 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 Flowers, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Flowers, **Senate Bill No. 736** was called up for third reading and final disposition.

SENATE BILL NO. 736
As Engrossed: H4/4/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR S. FLOWERS
BY: REPRESENTATIVES E. ARMSTRONG, F. SMITH, H. WILKINS & LOVE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE POWERS AND DUTIES OF THE STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 736 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total 32

NEGATIVE: Irvin.

Total 1

ABSENT OR NOT VOTING:

Total 0

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast	33
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. 736**, 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total	32
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NEGATIVE: Irvin.

Total	1
-------------	---

ABSENT OR NOT VOTING:

Total	0
-------------	---

EXCUSED: D. Johnson, E. Williams.

Total	2
-------------	---

VOTING PRESENT:

TOTAL.....	0
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Total number of votes cast	33
Necessary to the adoption of the Emergency Clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 736 was ordered enrolled.

On motion of Senator Hutchinson, **Senate Bill No. 1006** was called up for third reading and final disposition.

SENATE BILL NO. 1006
As Engrossed: S4/11/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO CREATE AN EXEMPTION FROM THE SALES AND USE TAX FOR NONPROFIT BLOOD DONATION ORGANIZATIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 1006 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED: D. Johnson, E. Williams.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast.....	33
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. 1006 was ordered immediately transmitted to the House as passed.

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

On motion of Senator Elliott, **Senate Bill No. 1051** was called up for third reading and final disposition.

SENATE BILL NO. 1051

As Engrossed: S4/6/13 S4/9/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS ELLIOTT, D. JOHNSON & L. CHESTERFIELD

BY: REPRESENTATIVES H. WILKINS, LOVE & SABIN

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE WHOLE CHILD - WHOLE COMMUNITY RECOGNITION PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 1051 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, E. Cheatham, Elliott, Files, J. Hutchinson, K. Ingram, Irvin, J. Key, B. King, U. Lindsey, Maloch, B. Pierce, B. Sample, D. Sanders, Teague, J. Woods, D. Wyatt.

Total18

NEGATIVE: Bledsoe, A. Clark, J. English, J. Hendren, Hester, Hickey, Holland.

Total7

ABSENT OR NOT VOTING: Caldwell, L. Chesterfield, J. Dismang, S. Flowers, M. Lamoureux, Rapert, G. Stubblefield, R. Thompson.

Total8

EXCUSED: D. Johnson, E. Williams.

Total2

VOTING PRESENT:

Total0

Total number of votes cast25

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

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Hickey requested a Sounding of the Ballot on passage of **Senate Bill No. 1051**. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

AFFIRMATIVE: Bookout, Burnett, E. Cheatham, Elliott, Files, J. Hutchinson, K. Ingram, Irvin, J. Key, B. King, U. Lindsey, Maloch, B. Pierce, B. Sample, D. Sanders, Teague, J. Woods, D. Wyatt (*striking Senator J. Woods*).

Total 17

NEGATIVE: Bledsoe, A. Clark, J. English, J. Hendren, Hester, Hickey, Holland.

Total 7

ABSENT OR NOT VOTING: Caldwell, L. Chesterfield, J. Dismang, S. Flowers, M. Lamoureux, Rapert, G. Stubblefield, R. Thompson, Wyatt.

Total 9

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast 24

Necessary to the passage of the bill 18

Total number of votes cast	24
Necessary to the passage of the Bill	18
Total number voting in the affirmative	17
Total number voting in the negative	7
Total number absent or not voting	9
Total number excused	2

Upon sounding of the ballot, **Senate Bill No. 1051** failed of adoption.

(SIGNED) ANN CORNWELL, SECRETARY

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

The record pertaining to the vote by which **Senate Bill No. 1051** failed was expunged, in accordance with a prevailing motion on April 12, 2013.

Senator Elliott moved that the record pertaining to the vote by which **Senate Bill No. 1051** failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Elliott, **Senate Bill No. 1051** was called up for third reading and final disposition.

SENATE BILL NO. 1051
As Engrossed: S4/6/13 S4/9/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS ELLIOTT, D. JOHNSON & L. CHESTERFIELD
BY: REPRESENTATIVES H. WILKINS, LOVE & SABIN

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE WHOLE CHILD - WHOLE COMMUNITY RECOGNITION PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 1051 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, E. Cheatham, L. Chesterfield, Elliott, Files, J. Hutchinson, K. Ingram, Irvin, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, B. Sample, D. Sanders, Teague, J. Woods, D. Wyatt.

Total20

NEGATIVE: Bledsoe, A. Clark, J. English, J. Hendren, Hester, Hickey, Holland.

Total7

ABSENT OR NOT VOTING: Caldwell, J. Dismang, S. Flowers, Rapert, G. Stubblefield, R. Thompson.

Total6

EXCUSED: D. Johnson, E. Williams.

Total.....2

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. 1051 was ordered immediately transmitted to the House as passed.

On motion of Senator Woods, **Senate Bill No. 946** was called up for third reading and final disposition.

SENATE BILL NO. 946
As Engrossed: S4/11/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE LEDING

A Bill for an Act to be Entitled: *AN ACT TO STUDY THE DEVELOPMENT AND IMPLEMENTATION OF A PUBLIC WEBSITE CONTAINING INFORMATION ON PERSONS CONVICTED OF A CRIME PERTAINING TO CHILD ABUSE AND NEGLECT; AND FOR OTHER PURPOSES.*

Senate Bill No. 946 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED: D. Johnson, E. Williams.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast.....	33
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. 946 was ordered immediately transmitted to the House as passed.

On motion of Senator Files, **Senate Bill No. 1080** was called up for third reading and final disposition.

SENATE BILL NO. 1080
As Engrossed: S4/4/13 S4/5/13 S4/11/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES
BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: AN ACT TO CREATE A TASK FORCE TO STUDY THE TAXATION OF NONALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

Senate Bill No. 1080 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total	32
NEGATIVE: Irvin	
Total	1
ABSENT OR NOT VOTING:	
Total	0
EXCUSED: D. Johnson, E. Williams.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
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. 1080 was ordered immediately transmitted to the House as passed.

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

On motion of Senator Files, **Senate Bill No. 1084** was called up for third reading and final disposition.

SENATE BILL NO. 1084
As Engrossed: S4/5/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES

A Bill for an Act to be Entitled: AN ACT TO *REGULATE* THE PROCUREMENT OF CONSTRUCTION MANAGEMENT CONTRACTS BY PUBLIC *ENTITIES EXCEPT IN CERTAIN CIRCUMSTANCES; TO REGULATE THE PROCUREMENT OF CERTAIN CONTRACTS BY PUBLIC ENTITIES*; AND FOR OTHER PURPOSES.

Senate Bill No. 1084 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Rapert spoke against the Bill.

Senator Files closed for his Bill.

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

AFFIRMATIVE: Bledsoe, Caldwell, L. Chesterfield, J. Dismang, Elliott, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, Irvin, M. Lamoureux, B. Pierce, B. Sample, J. Woods.

Total 17

NEGATIVE: Bookout, Burnett, E. Cheatham, A. Clark, J. English, K. Ingram, J. Key, B. King, Rapert, D. Wyatt.

Total 10

ABSENT OR NOT VOTING: U. Lindsey, Maloch, D. Sanders, G. Stubblefield, Teague, R. Thompson.

Total 6

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast27
Necessary to the passage of the bill18

So the bill failed

(SIGNED) ANN CORNWELL, SECRETARY

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

The record pertaining to the vote by which **Senate Bill No. 1084** failed was expunged, in accordance with a prevailing motion on April 12, 2013.

Senator Files moved that the record pertaining to the vote by which **Senate Bill No. 1084** failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Sanders, **Senate Bill No. 1158** was called up for third reading and final disposition.

SENATE BILL NO. 1158
As Engrossed: S4/11/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. SANDERS

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS CONCUSSION PROTOCOL ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 1158 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, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total 32

NEGATIVE:

Total 0

ABSENT OR NOT VOTING: Flowers

Total 1

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast..... 33

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. 1158 was ordered immediately transmitted to the House as passed.

Senator Files made a motion to re-vote **Senate Bill No. 1084** out of order.

By voice vote, motion carried.

Senator Ingram called for a point of order that motion to consider **Senate Bill No. 1084** required a two-thirds vote.

Chair ruled that **Senate Bill No. 1084** could be considered.

Senator Ingram requested a meeting of the Rules Committee to decide the issue of whether **Senate Bill 1084** could be considered.

On motion of Senator Hendren the Senate recessed until 3:00 p.m.

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

The Rules Committee supports the ruling of the Chair. Bill was expunged its failure, Bill was on the calendar, and therefore, could be reconsidered.

On motion of Senator Files, **Senate Bill No. 1084** was called up for third reading and final disposition.

SENATE BILL NO. 1084
As Engrossed: S4/5/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES

A Bill for an Act to be Entitled: AN ACT TO *REGULATE* THE PROCUREMENT OF CONSTRUCTION MANAGEMENT CONTRACTS BY PUBLIC *ENTITIES EXCEPT IN CERTAIN CIRCUMSTANCES*; TO *REGULATE THE PROCUREMENT OF CERTAIN CONTRACTS BY PUBLIC ENTITIES*; AND FOR OTHER PURPOSES.

Senate Bill No. 1084 was placed on third reading and final disposition.

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

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

AFFIRMATIVE: Bledsoe, Caldwell, L. Chesterfield, J. Dismang, Elliott, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, Irvin, M. Lamoureux, Maloch, B. Pierce, B. Sample, Teague, J. Woods.

Total 19

NEGATIVE: Bookout, Burnett, E. Cheatham, A. Clark, J. English, J. Key, B. King, U. Lindsey, Rapert, D. Wyatt.

Total 10

ABSENT OR NOT VOTING: K. Ingram, D. Sanders, G. Stubblefield, R. Thompson.

Total 4

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

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

Senator Rapert requested a Sounding of the Ballot on passage of **Senate Bill No. 1084**. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

Total number of votes cast	29
Necessary to the passage of the Bill	18
Total number voting in the affirmative	19
Total number voting in the negative	10
Total number absent or not voting	4
Total number excused	2

Senate Bill No. 1084 passed upon Sounding of the Ballot.

Senator Files moved that the vote by which **Senate Bill No. 1084** passed be reconsidered and that motion be laid upon the table, which motion prevailed, and the motion to reconsider was laid on the table.

Senate Bill No. 1084 was ordered immediately transmitted to the House as passed.

Senate Bill No. 442 was returned from the House as passed as amended.

On motion of Senator King, **Senate Bill No. 442** was ordered re-referred to the Committee on JUDICIARY.

Senate Bill No. 455 was returned from the House as passed and ordered enrolled.

Senate Bill No. 598 was returned from the House as passed and ordered enrolled.

Senate Bill No. 801 was returned from the House as passed and ordered enrolled.

Senate Bill No. 824 was returned from the House as passed and ordered enrolled.

Senate Bill No. 883 was returned from the House as passed and ordered enrolled.

Senate Bill No. 896 was returned from the House as passed and ordered enrolled.

Senate Bill No. 961 was returned from the House as passed and ordered enrolled.

Senate Bill No. 970 was returned from the House as passed and ordered enrolled.

Senator Hutchinson made a motion to re-refer **House Bill 1841** to the Committee on INSURANCE & COMMERCE.

Senator Bookout spoke against the motion.

Senator Ingram spoke against the motion.

Senator Burnett spoke against the motion.

Senator Sample called for immediate consideration of motion to re-refer to the Committee on INSURANCE & COMMERCE.

By voice vote, motion failed.

On motion of Senator Bookout, **House Bill No. 1841** was called up for third reading and final disposition.

HOUSE BILL NO. 1841
As Engrossed: H3/25/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WRIGHT

A Bill for an Act to be Entitled: AN ACT CONCERNING FEES FOR BAIL *BONDS*; *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

House Bill No. 1841 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, J. Dismang, Elliott, J. English, Files, J. Hendren, Hickey, Holland, K. Ingram, Irvin, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, B. Sample, Teague, R. Thompson, J. Woods, D. Wyatt.

Total26

NEGATIVE: A. Clark, Hester, J. Hutchinson, Rapert, D. Sanders.

Total5

ABSENT OR NOT VOTING: S. Flowers, G. Stubblefield.

Total2

EXCUSED: D. Johnson, E. Williams.

Total2

VOTING PRESENT:

Total0

Total number of votes cast31

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. 1841 was ordered immediately returned to the House as passed.

On motion of Senator Bookout, **House Bill No. 1829** was called up for third reading and final disposition.

HOUSE BILL NO. 1829
As Engrossed: H3/19/13 H4/2/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE VINES

A Bill for an Act to be Entitled: AN ACT CONCERNING BAIL BOND FEES; AND FOR OTHER PURPOSES.

House Bill No. 1829 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, J. Dismang, Elliott, J. English, Files, J. Hendren, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, J. Key, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, G. Stubblefield, Teague, R. Thompson, J. Woods, D. Wyatt.

Total 28

NEGATIVE: A. Clark, Hester, D. Sanders.

Total 3

ABSENT OR NOT VOTING: S. Flowers, B. King.

Total 2

EXCUSED: D. Johnson, E. Williams.

Total 2

VOTING PRESENT:

Total 0

Total number of votes cast 31

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. 1829 was ordered immediately returned to the House as passed.

On motion of Senator Pierce, **House Bill No. 1878** was called up for third reading and final disposition.

**HOUSE BILL NO. 1878
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE H. WILKINS**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT THE ARKANSAS STATE CLAIMS COMMISSION HAS NO JURISDICTION OVER CLAIMS AGAINST THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES FOR ACTS COMMITTED BY JUVENILES; AND FOR OTHER PURPOSES.

Senator Hutchinson spoke against the Bill.

Senator Hester spoke for the Bill.

Senator Chesterfield spoke against the Bill.

Senator Flowers spoke against the Bill.

House Bill No. 1878 was pulled down at this time.

On motion of Senator Pierce, **House Bill No. 1878** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

SENATE BILL NO. 1031, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 1182, BY SENATOR BRYAN KING,

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

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1712, BY REPRESENTATIVE KEN BRAGG,

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 Clark, **House Bill No. 1712** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1840, BY REPRESENTATIVE MARSHALL WRIGHT,

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

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 2028, BY REPRESENTATIVE JOHN VINES,

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 Sample, **House Bill No. 2028** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE BILL NO. 1183

As Engrossed: H3/7/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WRIGHT

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF THE MESSAGE THERAPY ACT; AND FOR OTHER PURPOSES.

House Bill No. 1183 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. 1205

As Engrossed: H3/7/13 H4/3/13 H4/11/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE NICKELS

BY: SENATOR ELLIOTT

A Bill for an Act to be Entitled: AN ACT CONCERNING STATE AGENCY EMPLOYEE GRIEVANCES; TO PROVIDE THE POSSIBILITY OF RELIEF FOR EMPLOYEES *WITH GROUNDS FOR A GRIEVANCE; AND FOR OTHER PURPOSES.*

House Bill No. 1205 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. 1714

As Engrossed: H4/1/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WORD

A Bill for an Act to be Entitled: AN ACT TO AMEND THE VOLUNTARY UNIVERSAL ACT ASSESSMENT PROGRAM ACT; AND FOR OTHER PURPOSES.

House Bill No. 1714 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. 1727

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES WILLIAMS AND VINES

A Bill for an Act to be Entitled: AN ACT TO REPEAL CERTAIN OBSOLETE LAWS CONCERNING LIBRARIES, ARCHIVES, AND CULTURAL RESOURCES UNDER TITLE 13 OF THE ARKANSAS CODE; AND FOR OTHER PURPOSES.

House Bill No. 1727 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. 1741

As Engrossed: H4/9/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WESTERMAN

A Bill for an Act to be Entitled: AN ACT TO ALLOW UNINCORPORATED AREAS OF THE COUNTY TO BE FREE FROM REGULATIONS OF CITIES ON ROAD STANDARDS AND PLANNING ORDINANCES; AND FOR OTHER PURPOSES.

House Bill No. 1741 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. 1871

As Engrossed: H4/6/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WORD

A Bill for an Act to be Entitled: AN ACT CONCERNING FUNDING PROVIDED BY THE DIVISION OF AGING AND ADULT SERVICES OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 1871 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. 1922

As Engrossed: H4/9/13 H4/11/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES J. EDWARDS AND DAVIS

A Bill for an Act to be Entitled: AN ACT TO IMPROVE ECONOMIC OPPORTUNITIES IN ARKANSAS *BY PROTECTING THE WATER RESOURCES OF THE STATE*; AND FOR OTHER PURPOSES.

House Bill No. 1922 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. 1940

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE C. DOUGLAS

A Bill for an Act to be Entitled: AN ACT CONCERNING QUALIFYING REPORTS TO THE CHILD ABUSE HOTLINE OF CERTAIN TYPES OF CHILD MALTREATMENT; AND FOR OTHER PURPOSES.

House Bill No. 1940 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. 1990

As Engrossed: H4/6/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE KIZZIA

A Bill for an Act to be Entitled: AN ACT TO INCLUDE GRANT AND HOT SPRING COUNTIES IN THE STATE DISTRICT COURT PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1990 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. 2009

As Engrossed: H3/27/13 H4/6/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE COPENHAVER

BY: SENATOR J. WOODS

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A LICENSE FOR A LIMITED LINES TRAVEL INSURANCE PRODUCER; AND FOR OTHER PURPOSES.

House Bill No. 2009 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. 2128

As Engrossed: H3/28/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE HAMMER

A Bill for an Act to be Entitled: AN ACT TO REVISE AND SIMPLIFY THE TRACKING OF AND ACCOUNTING FOR INTERSCHOLASTIC ATHLETIC PROGRAMS AND INTERSCHOLASTIC ACTIVITY PROGRAM FUNDS; 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 EDUCATION.

Received from the House

HOUSE BILL NO. 2252

As Engrossed: H4/6/13 H4/10/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES LEDING, SABIN & LINCK

A Bill for an Act to be Entitled: AN ACT TO AMEND CERTAIN LAWS CONCERNING WATER QUALITY STANDARDS; TO AMEND THE LAW PERTAINING TO THE CLASSIFICATION, ATTAINMENT, AND ENFORCEMENT OF WATER QUALITY STANDARDS; TO IMPROVE THE PROCESS FOR REFINING AND REVISING WATER QUALITY STANDARDS; TO CREATE COST-EFFECTIVE ATTAINMENT STRATEGIES; AND FOR OTHER PURPOSES.

House Bill No. 2252 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. 2267

As Engrossed: H4/11/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE HAMMER

A Bill for an Act to be Entitled: AN ACT TO AMEND PROVISIONS OF ARKANSAS LAW CONCERNING *THE VISITATION RIGHTS* OF GRANDPARENTS; AND FOR OTHER PURPOSES.

House Bill No. 2267 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Senate Bill No. 1020 was returned from the House as passed as amended, Emergency Clause having failed of adoption.

On motion of Senator Dismang, **Senate Bill No. 1020** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Senate Bill No. 104 was returned from the House as passed and ordered enrolled.

Senate Bill No. 249 was returned from the House as passed and ordered enrolled.

Senate Bill No. 499 was returned from the House as passed and ordered enrolled.

Senate Bill No. 516 was returned from the House as passed and ordered enrolled.

Senate Bill No. 521 was returned from the House as passed and ordered enrolled.

Senate Bill No. 522 was returned from the House as passed and ordered enrolled.

Senate Bill No. 523 was returned from the House as passed and ordered enrolled.

Senate Bill No. 524 was returned from the House as passed and ordered enrolled.

Senate Bill No. 525 was returned from the House as passed and ordered enrolled.

Senate Bill No. 616 was returned from the House as passed and ordered enrolled.

Senate Bill No. 629 was returned from the House as passed and ordered enrolled.

Senate Bill No. 642 was returned from the House as passed and ordered enrolled.

Senate Bill No. 653 was returned from the House as passed and ordered enrolled.

Senate Bill No. 831 was returned from the House as passed and ordered enrolled.

Senate Bill No. 888 was returned from the House as passed and ordered enrolled.

Senate Bill No. 916 was returned from the House as passed and ordered enrolled.

Senate Bill No. 1039 was returned from the House as passed and ordered enrolled.

Senate Bill No. 552 was returned from the House as passed as amended.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

April 12, 2013

Mr. President:

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

HOUSE BILL NO. 1996, BY REPRESENTATIVE NATE STEEL,

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

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SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 946
SENATE BILL NO. 1006
SENATE BILL NO. 1051
SENATE BILL NO. 1080
SENATE BILL NO. 1084
SENATE BILL NO. 1158

SENATE JOINT RESOLUTION TRANSMITTED TO THE HOUSE
AS ADOPTED

SENATE JOINT RESOLUTION NO. 7

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1829
HOUSE BILL NO. 1841

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 104
SENATE BILL NO. 249
SENATE BILL NO. 455
SENATE BILL NO. 499
SENATE BILL NO. 516
SENATE BILL NO. 521
SENATE BILL NO. 522
SENATE BILL NO. 523
SENATE BILL NO. 524
SENATE BILL NO. 525
SENATE BILL NO. 552
SENATE BILL NO. 598
SENATE BILL NO. 616
SENATE BILL NO. 629
SENATE BILL NO. 642
SENATE BILL NO. 653
SENATE BILL NO. 801
SENATE BILL NO. 824
SENATE BILL NO. 831
SENATE BILL NO. 883
SENATE BILL NO. 888
SENATE BILL NO. 896
SENATE BILL NO. 916
SENATE BILL NO. 961
SENATE BILL NO. 970
SENATE BILL NO. 1039

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 442 AS AMENDED NO. 1

SENATE BILL NO. 552 AS AMENDED NO. 1

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED
EMERGENCY CLAUSE HAVING FAILED OF ADOPTION

SENATE BILL NO. 1020

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1183

HOUSE BILL NO. 1205

HOUSE BILL NO. 1714

HOUSE BILL NO. 1727

HOUSE BILL NO. 1741

HOUSE BILL NO. 1871

HOUSE BILL NO. 1922

HOUSE BILL NO. 1940

HOUSE BILL NO. 1990

HOUSE BILL NO. 2009

HOUSE BILL NO. 2128

HOUSE BILL NO. 2252

HOUSE BILL NO. 2267

On motion of Senator Hendren, the Senate adjourned until 1:30 p.m., Monday, April 15, 2013.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE