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

Little Rock, Arkansas

January 26, 2005

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

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

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, HENDREN, HIGGINBOTHOM, HILL,
HOLT, HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON,
LAVERTY, LUKER, MADISON, MALONE, MILLER,
SALMON, SMITH, STEELE, TAYLOR, TRUSTY,
WHITAKER, WILKINS, WILKINSON, WOMACK,
WOOLDRIDGE.

The Senate was led in prayer by Reverend Kurt Boggan, Highland Valley
United Methodist Church, Little Rock, Arkansas.

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

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

SENATE BILL NO. 42, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 72, BY SENATOR MADISON,
SENATE BILL NO. 126, BY SENATOR TAYLOR,
HOUSE BILL NO. 1117, BY REPRESENTATIVE CREEKMORE,

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 ED WILKINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

We, your Committee on PUBLIC TRANSPORTATION, to whom was referred:

HOUSE BILL NO. 1020, BY REPRESENTATIVE DANGEAU,

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 TRACY STEELE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

SENATE BILL NO. 110, BY SENATOR J. JEFFRESS,

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 JIM ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

HOUSE BILL NO. 1141, BY REPRESENTATIVE WOOD,

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 #1.

Respectfully submitted,
(SIGNED) SENATOR JIM ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

SENATE BILL NO. 21, BY SENATOR FARIS,
SENATE BILL NO. 146, BY SENATOR BOOKOUT,

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

Respectfully submitted,
(SIGNED) SENATOR JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

SENATE BILL NO. 118, BY SENATOR JOHNSON,

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 #2.

Respectfully submitted,
(SIGNED) SENATOR JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

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

HOUSE BILL NO. 1068, BY REPRESENTATIVE BORHAUER,

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

Respectfully submitted,
(SIGNED) SENATOR JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

We, your Committee on REVENUE AND TAXATION, to whom was referred:

HOUSE BILL NO. 1009, BY REPRESENTATIVE EDWARDS,
HOUSE BILL NO. 1032, BY REPRESENTATIVE D. CREEKMORE,
HOUSE BILL NO. 1109, BY REPRESENTATIVE D. JOHNSON,

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 TIM WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

January 26, 2005

Mr. President:

We, your Committee on JOINT RETIREMENT AND SOCIAL SECURITY, to whom was referred:

SENATE BILL NO. 124, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 130, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 142, BY SENATOR J. JEFFRESS,

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 J. JEFFRESS, CHAIRMAN

The President declared the morning hour to have expired.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

January 25, 2005

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on January 25, 2005, I approved the following measure:

SENATE BILL NO. 16, which is now Act 4 of 2005
SENATE BILL NO. 22, which is now Act 5 of 2005
SENATE BILL NO. 23, which is now Act 6 of 2005
SENATE BILL NO. 24, which is now Act 7 of 2005
SENATE BILL NO. 25, which is now Act 8 of 2005
SENATE BILL NO. 26, which is now Act 9 of 2005
SENATE BILL NO. 27, which is now Act 10 of 2005
SENATE BILL NO. 29, which is now Act 11 of 2005
SENATE BILL NO. 31, which is now Act 12 of 2005
SENATE BILL NO. 32, which is now Act 13 of 2005
SENATE BILL NO. 33, which is now Act 14 of 2005
SENATE BILL NO. 34, which is now Act 15 of 2005
SENATE BILL NO. 39, which is now Act 16 of 2005
SENATE BILL NO. 41, which is now Act 17 of 2005
SENATE BILL NO. 59, which is now Act 18 of 2005
SENATE BILL NO. 63, which is now Act 19 of 2005
SENATE BILL NO. 76, which is now Act 20 of 2005

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

On motion of Senator Hill, **Senate Bill No. 73** was called up for third reading and final disposition.

**SENATE BILL NO. 73
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS HILL & CAPPS**

A Bill for an Act to be Entitled: AN ACT TO EXTEND EXISTING LEASES BETWEEN THE STATE OF ARKANSAS AND ARKANSAS LIVESTOCK SHOW ASSOCIATION; AND FOR OTHER PURPOSES.

Senate Bill No. 73 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: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 73 was ordered immediately transmitted to the House as passed.

On motion Senator Salmon, requested the return of **Senate Bill No. 81** for further consideration.

STATE OF ARKANSAS
ARKANSAS SENATE
State Capitol
Little Rock, Arkansas 72201

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 315
Little Rock, Arkansas 72201

January 26, 2005

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chambers
State Capitol
Little Rock, Arkansas

Dear Governor Huckabee:

The Senate respectfully requests the return to the Senate, of **SENATE BILL NO. 81**.

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of Senate

AC:as

SENATE BILL NO. 205
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS FARIS & LAVERTY

A Bill for an Act to be Entitled: AN ACT TO REDUCE THE TIME LIMIT FOR FILING APPLICATIONS FOR EXECUTIVE CLEMENCY; TO ESTABLISH THAT THE TIME LIMIT BEGINS RUNNING ON THE DATE OF FILING OF AN APPLICATION FOR EXECUTIVE CLEMENCY RATHER THAN THE DATE OF DENIAL OF THE APPLICATION; AND FOR OTHER PURPOSES.

Senate Bill No. 205 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 206
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS HOLT & ALTES

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS TAXPAYER AND CITIZEN PROTECTION ACT; CONCERNING MATTERS PERTAINING TO VOTING AND THE ADMINISTRATION OF PUBLIC BENEFITS; TO AMEND AMENDMENT 51 OF THE ARKANSAS CONSTITUTION; AND FOR OTHER PURPOSES.

Senate Bill No. 206 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 207
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CRITCHER

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PRIVATE CLUB PERMIT APPLICANTS TO OBTAIN THE APPROVAL OF THE CITY OR COUNTY GOVERNING BODY; AND FOR OTHER PURPOSES.

Senate Bill No. 207 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 208
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO CREATE THE MILITARY FAMILY RELIEF CHECK-OFF PROGRAM; TO INCLUDE THE MILITARY FAMILY RELIEF CHECK-OFF PROGRAM ON THE ARKANSAS INCOME TAX FORMS; TO CREATE THE MILITARY FAMILY RELIEF TRUST FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 208 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 209
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 14-58-101 TO CLARIFY MUNICIPAL AUDIT REQUIREMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 209 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

January 26, 2005

TO THE PRESIDENT AND MEMBERS OF THE SENATE

Dear Mr. President and Senators:

At the request of the Senate, SENATE BILL NO. 81 has been returned on this day of January 26 2005.

Sincerely,

(SIGNED) Chad Gallagher
Director of Intergovernmental Affairs

CG: ba

Cc: Speaker of the House

SENATE BILL NO. 210
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PENALTIES FOR VIOLATIONS OF THE LITTER CONTROL ACT TO ALLOW FOR THE IMPOSITION OF A FINE BETWEEN ONE HUNDRED DOLLARS (\$100) AND ONE THOUSAND DOLLARS (\$1,000), TO MAKE THE SENTENCE OF COMMUNITY PUNISHMENT OPTIONAL, AND TO REMOVE THE OPTION FOR JAIL TIME; AND FOR OTHER PURPOSES.

Senate Bill No. 210 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 211
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES

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

Senate Bill No. 211 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1154
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES SAUNDERS & MAHONY
BY: SENATOR G. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO EXTEND THE TIME PERIOD FOR SCHOOL DISTRICTS TO FILE A BUDGET AND EXPENDITURES REPORT WITH THE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1154 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 1191
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE J. MARTIN

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THAT THE FINDER OF FACT WILL DETERMINE THE PUNISHMENT IN CASES INVOLVING MEDICAID FRAUD; AND FOR OTHER PURPOSES.

House Bill No. 1191 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1195
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE HARRELSON

A Bill for an Act to be Entitled: AN ACT TO GIVE CERTIFIED LAW ENFORCEMENT OFFICERS FROM ADJOINING STATES THE ABILITY TO DISCHARGE OFFICIAL DUTIES IN ARKANSAS UNDER SPECIFIC CIRCUMSTANCES; AND FOR OTHER PURPOSES.

House Bill No. 1195 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1199
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES ROGERS, ROEBUCK & COOK

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT NO PENALTIES SHALL BE ASSESSED FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES DURING A TAXPAYER'S DEPLOYMENT; AND FOR OTHER PURPOSES.

House Bill No. 1199 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

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SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 73

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1154

HOUSE BILL NO. 1191

HOUSE BILL NO. 1195

HOUSE BILL NO. 1199

On motion of Senator Hill, the Senate adjourned until 11:00 A.M., Thursday
January 27, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE