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

Little Rock, Arkansas

February 1, 2005

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:

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 Vic Dixon, Pulaski Heights United Methodist Church, Little Rock, AR.

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

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

On motion of Senator Bookout, **Senate Bill No. 97** was withdrawn from the Committee on JOINT RETIREMENT AND SOCIAL SECURITY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 97

Amend **Senate Bill No. 97** as originally introduced:

Amend **Senate Bill No. 97** as originally introduced Page 2, delete line 19, and substitute the following:

"(10) days of the vote.

(3)(A) By a majority vote of its governing body, each political subdivision not covered by the Arkansas Local Police and Fire Retirement System may elect to provide the additional benefits in subdivision (a)(1) of this section for those police officers who were hired prior to January 1, 1983, and who continue to work beyond their twenty-fifth year, but have not reached the age of sixty (60).

(B) The clerk or secretary of the governing body of the political subdivision shall certify to the Arkansas Fire and Police Pension Review Board, in a manner and form acceptable to the board, the election to extend the additional benefits to members of any age within ten (10) days of the vote."

AND

Page 2, line 22, delete "(a)(1)" and substitute "(a)(1), (a)(2),"

AND

Page 2, line 23, delete "(a)(2)" and substitute "(a)(3)"

AND

Page 3, delete line 33, and substitute the following:

"(10) days of the vote.

(3)(A) By a majority vote of its governing body, each political subdivision not covered by the Arkansas Local Police and Fire Retirement System may elect to provide the additional benefits in subdivision (a)(1) of this section for those firefighters who were hired prior to January 1, 1983, and who continue to work beyond their twenty-fifth year, but have not reached the age of sixty (60).

(B) The clerk or secretary of the governing body of the political subdivision shall certify to the Arkansas Fire and Police Pension Review Board, in a manner and form acceptable to the board, the election to extend the additional benefits to members of any age within ten (10) days of the vote."

AND

Page 3, line 36, delete "(a)(1)" and substitute "(a)(1), (a)(2),"

AND

Page 4, line 1, delete "(a)(2)" and substitute "(a)(3)"

(SIGNED) SENATOR MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 97 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 109** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE AND LABOR, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 109

Amend **Senate Bill No. 109** as engrossed, S1/20/05:

Page 4, delete line 1, and substitute the following:

"physician, dentist, podiatrist, or veterinarian, or other healthcare professional with prescriptive authority, or as authorized pursuant to"

AND

Page 4, delete line 7, and substitute the following:

"(3) Any physician, dentist, podiatrist, or veterinarian, or other healthcare professional with prescriptive authority who"

AND

Page 4, delete line 16, and substitute the following:

" physician, dentist, podiatrist, veterinarian, or other healthcare professional with prescriptive authority, or any person who possesses a"

AND

Page 4, delete line 28, and substitute the following:

"retail distributor for any person, other than a person or entity described in § 5-64-1101(a)(3) and (a)(4), to knowingly dispense, sell, transfer, or otherwise"

AND

Page 8, delete line 32, and substitute the following:

"subsections (a) and (b) of this section ephedrine, pseudoephedrine, or"

(SIGNED) SENATOR MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 109 was ordered engrossed.

On motion of Senator Madison, Senate Bill No. 176 was withdrawn from the Committee on PUBLIC HEALTH, WELFARE AND LABOR, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 176

Amend Senate Bill No. 176 as originally introduced:

Delete everything after the enacting clause and substitute the following
:

"SECTION 1. Arkansas Code § 14-15-102 is amended to read as follows:

14-15-102. Environmental officer.

(a)(1) Each county or regional solid waste district within this state may employ an environmental officer who ~~shall~~ may perform the following duties within that county or regional solid waste district:

- (A) ~~inspect~~ Inspect all:
 - (i) ~~landfills within that county;~~ Landfills;
 - (ii) Other solid waste facilities;
 - (iii) Waste haulers;

- (iv) Waste vehicles; and
- (v) Illegal dumps;

(B) ~~insure~~ Insure compliance with all environmental ordinances or regulations; and

(C) ~~collect~~ Collect evidence of noncompliance and present such evidence to the prosecuting attorney.

(2) This officer ~~shall~~ may issue citations for violation of any county or regional solid waste district ordinance or regulation ~~prohibiting dumping of concerning solid~~ waste, garbage, litter, or any hazardous materials throughout the county or regional solid waste district.

(b) The environmental officer may complete the training course for law enforcement officers at the Law Enforcement Training Academy. After satisfactory completion of said course the environmental officer shall be a law enforcement officer.

(c) After completing the training course at the Law Enforcement Training Academy, the environmental officer may:

(1) ~~carry~~ Carry firearms;

(2) ~~execute~~ Execute and serve any warrant or other processes issued under the authority of the county or regional solid waste district pertaining to violations of county or regional solid waste district ordinances or regulations concerning environmental protection; and

(3) ~~make~~ Make arrests and issue citations for violations of county or regional solid waste district ordinances or regulations concerning environmental protection."

(SIGNED) SENATOR MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 176 was ordered engrossed.

On motion of Senator Altus, **Senate Bill No. 9** was withdrawn from the Committee on Revenue and Taxation, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 9

Amend **Senate Bill No. 9** as engrossed, S1/27/05:

Immediately following SECTION 1, add an additional section to read as follows:

"SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that clothing school children is very costly; that the cost of clothing school children is always increasing; that to help defray the cost a sales tax holiday on the sale of clothing and footwear is necessary; and that in order to ensure that families are able to enjoy this exemption when purchasing schools clothes and footwear for the upcoming school year this act should become effective on July 1, 2005. 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, 2005."

(SIGNED) SENATOR ALTUS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 9 was ordered engrossed.

On motion of Senator J. Jeffress, [Senate Bill No. 51](#) was withdrawn from the Committee on PUBLIC TRANSPORTATION, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 51](#)

Amend [Senate Bill No. 51](#) as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 27, Chapter 37, Subchapter 1 is amended to add an additional section to read as follows:

27-37-103. Motor vehicle data recorder -- Data ownership.

(a) As used in this section:

(1) "Data" means vehicle performance and status information stored in a motor vehicle data recorder;

(2) "Motor vehicle data recorder" means:

(A) A factory-installed device in a motor vehicle that records, stores, transmits, or dispenses any of the following information:

(i) Engine speed;

(ii) Vehicle location or location history;

(iii) Brake performance;

(iv) Steering performance;

(v) Airbag deployment or status;

(vi) Seatbelt restraint status;

(vii) Accelerator position; or

(viii) Other technical information regarding vehicle dynamics and system status; and

(B) A sensing and diagnostic module in a motor vehicle manufactured by any automobile manufacturer; and

(3) "Owner" means a person or entity:

(i) In whose name a motor vehicle is registered or titled;

(ii) Who leases a motor vehicle for at least three (3) months; or

(iii) Who is entitled to possession of the motor vehicle as the purchaser under a security agreement.

(b) At the time of purchase, an owner of a motor vehicle shall be given written notice by the seller or manufacturer that includes the following:

(1) The presence of the motor vehicle data recorder in the motor

vehicle;

(2) The type of motor vehicle data recorder in the motor vehicle; and

(3) The type of data that is stored on the motor vehicle data recorder.

(c) Except as specifically provided under subsections (d), (f), (g), and (h) of this section, the data on a motor vehicle data recorder:

(1) Is private;

(2) Is exclusively owned by the owner of the motor vehicle; and

(3) Shall not be retrieved or used by another person or entity.

(d)(1) If a motor vehicle is owned by one (1) owner, then the owner of a motor vehicle may provide written consent in the form of a release signed by the owner that authorizes a person or entity to retrieve or use the data.

(2) If a motor vehicle is owned by more than one (1) person or entity and if all owners agree to release the data, then all owners must consent in writing by signing a release to authorize a person or entity to retrieve or use the data.

(3) A release to a person or entity under this subsection shall be limited to permission for data collection and compilation only and shall not authorize the release of information that identifies the owner of the vehicle.

(e)(1)(A) If a motor vehicle is equipped with a motor vehicle data recorder and is involved in an accident in Arkansas, the owner of the motor vehicle at the time of the accident shall own and retain exclusive ownership rights to the data.

(B) The ownership of the data shall not pass to a lienholder or to an insurer because the lienholder or insurer succeeds in ownership to the vehicle as a result of the accident.

(2) The data shall not be used by a lienholder or an insurer for any reason without a written consent in the form of a release signed by the owner of the motor vehicle at the time of the accident that authorizes the lienholder or insurer to retrieve or use the data.

(3) A lienholder or insurer shall not make the owner's consent to the retrieval or use of the data conditioned upon the payment or settlement of an obligation or claim.

(f) Except as specifically provided under subsections (d), (g), and (h) of this section, the data from a motor vehicle data recorder shall only be produced without the consent of the owner at the time of the accident if:

(1) A court of competent jurisdiction in Arkansas orders the production of the data;

(2) A law enforcement officer obtains the data based on probable cause of an offense under the laws of the State of Arkansas; or

(3) A law enforcement officer, a firefighter, or an emergency medical services provider obtains the data in the course of responding to or investigating an emergency involving physical injury or the risk of physical injury to any person.

(g) The Arkansas State Highway and Transportation Department may obtain data from a motor vehicle data recorder if the data is used for the following purposes:

(1) Preclearing weigh stations;

(2) Automating driver records of duty status as authorized by the United States Department of Transportation;

(3) Replacing handwritten reports for any fuel tax reporting or other mileage reporting purpose; or

(4) Complying with a state or federal law.

(h) To protect the public health, welfare, and safety, the following exceptions shall be allowed regarding the use of data from a motor vehicle data recorder:

(1) To determine the need or facilitate emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including obtaining data from a company that provides subscription services to the owners of motor vehicles for in-vehicle safety and security communications systems;

(2) To facilitate medical research of the human body's reaction to motor vehicle crashes if:

(i) The identity of the owner or driver is not disclosed in connection with the retrieved data; and

(ii) The last four (4) digits of the vehicle identification number are not disclosed; or

(3) To diagnose, service, or repair a motor vehicle.

(i) Notwithstanding any other provision of this section, the use of data from a motor vehicle data recorder shall not be permitted into evidence in a civil or criminal matter pending before a court in the State of Arkansas if the original manufacturer's warranty of the motor vehicle has expired."

(SIGNED) SENATOR J. JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 51 was ordered engrossed.

On motion of Senator Madison, [Senate Bill No. 227](#) was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 227](#)

Amend [Senate Bill No. 227](#) as originally introduced:
Page 2, line 8, delete "county court" and substitute "county"

(SIGNED) SENATOR MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 227](#) was ordered engrossed.

On motion of Senator Critcher, [Senate Bill No. 113](#) was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 113](#)

Amend [Senate Bill No. 113](#) as originally introduced:
Page 2, delete lines 17 through 21, and substitute the following:
"methamphetamine under § 5-64-403(c)(5) if the offender has served a minimum of three (3) years of the term of imprisonment to which he or she was sentenced."

(SIGNED) SENATOR CRITCHER

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 113](#) was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 9, BY SENATOR ALTES,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Altes, **Senate Bill No. 9** was ordered re-referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 51, BY SENATOR J. JEFFRESS,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator J. Jeffress, **Senate Bill No. 51** was ordered re-referred to the Committee on PUBLIC TRANSPORTATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 97, BY SENATOR BOOKOUT,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Bookout, **Senate Bill No. 97** was ordered re-referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 109, BY SENATOR MALONE,
SENATE BILL NO. 176, BY SENATOR MADISON,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Malone, **Senate Bill No. 109** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Madison, **Senate Bill No. 176** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

**ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION**

February 1, 2005

Mr. President:

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

SENATE BILL NO. 113, BY SENATOR CRITCHER,
SENATE BILL NO. 227, BY SENATOR MADISON,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Critcher, **Senate Bill No. 113** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Madison, **Senate Bill No. 227** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 233, BY SENATOR B. 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 No.1.

Respectfully submitted,
(SIGNED) SENATOR MILLER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 87, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,
(SIGNED) SENATOR BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

HOUSE BILL NO. 1202, BY REPRESENTATIVE BOYD,
HOUSE BILL NO. 1203, BY REPRESENTATIVE BOYD

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 HIGGINBOTHOM, CHAIRMAN

On motion of Senator Wilkins, House Bill No. 1185 was withdrawn from the Committee on CITY, COUNTY AND LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1185

Amend House Bill No. 1185 as engrossed, H1/27/05:
Add Senator Wilkins as a cosponsor of the bill

AND

Page 2, line 5 delete "absence of applicable regulations," and substitute "the alternative, in accordance with"

(SIGNED) SENATOR WILKINS

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1185 was ordered engrossed.

On motion of Senator Wooldridge, House Bill No. 1028 was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1028

Amend House Bill No. 1028 as originally introduced by:

Page 1, delete line 27, and substitute the following:

"relevant, subject to the circuit court's consideration of the admissibility of any such evidence under Rule 403 of the Arkansas Rules of Evidence."

AND

Page 1, delete line 32, and substitute the following:

"any testimony at least forty-five (45) days before the scheduled date of trial or at"

(SIGNED) SENATOR WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1028 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Wilkinson, **Senate Bill No. 174** was called up for third reading and final disposition.

SENATE BILL NO. 174
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS WILKINSON, ALTES
BY: REPRESENTATIVE WALTERS

A Bill for an Act to be Entitled: AN ACT TO PREVENT THE INTERNATIONAL ABDUCTION OF CHILDREN BY THEIR PARENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 174 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, Broadway, Brown, 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.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bookout, Bryles.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 174 was ordered immediately transmitted to the House as passed.

On motion of Senator Johnson, **Senate Bill No. 118** was called up for third reading and final disposition.

**SENATE BILL NO. 118
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 26-57-261 PERTAINING TO REFUNDS OF INTEREST FROM DEPOSITS BY TOBACCO PRODUCT MANUFACTURERS UNDER THE MASTER SETTLEMENT AGREEMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 118 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

There being an emergency clause attached to **Senate Bill No. 118**, 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: 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 cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 118 was ordered immediately transmitted to the House.

On motion of Senator Salmon, **House Bill No. 1141** was called up for third reading and final disposition.

HOUSE BILL NO. 1141
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WOOD
BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE TUITION WAIVER AND ASSISTANCE PROGRAM FOR ARKANSAS NATIONAL GUARD SOLDIERS AND AIRMAN; AND FOR OTHER PURPOSES.

House Bill No. 1141 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

House Bill No. 1141 was ordered immediately returned to the House as passed.

HOUSE CONCURRENT RESOLUTION NO. 1002
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES HARRIS, *BRADFORD*, *MEDLEY*

HOUSE CONCURRENT RESOLUTION TO REQUEST THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF ARKANSAS GIVE PRIORITY TO SUPPORTING AND PASSING THE DEFENSE APPROPRIATIONS BILL FIRST.

House Concurrent Resolution No. 1002 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 1176
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE T. HUTCHINSON

A Bill for an Act to be Entitled: *AN ACT TO CONFIRM THAT THE SENTENCING GUIDELINES* OF THE STATE OF ARKANSAS ARE ENTIRELY VOLUNTARY; AND FOR OTHER PURPOSES.

House Bill No. 1176 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 250
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE CONTINUATION OF HONOR ROLL PROGRAMS AND ACADEMIC ACHIEVEMENT RECOGNITION PROGRAMS; AND FOR OTHER PURPOSES.

Senate Bill No. 250 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 251
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF PARKS AND TOURISM - ARKANSAS HISTORY COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 251 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 252
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, TRUSTY
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO ALLOW TITLE COMPANIES TO ACQUIRE DOCUMENTARY STAMPS THROUGH CONSIGNMENT ARRANGEMENTS WITH THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Senate Bill No. 252 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 253
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, TRUSTY
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CORPORATIONS ELECTING SUBCHAPTER S TREATMENT FOR ARKANSAS INCOME TAX PURPOSES TO FIRST ELECT SUBCHAPTER S TREATMENT FOR FEDERAL TAX PURPOSES; AND FOR OTHER PURPOSES.

Senate Bill No. 253 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 254
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, TRUSTY
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE INTEREST ALLOWED FOR AN OVERPAYMENT OF TAX ON DELINQUENT TAX RETURNS; AND FOR OTHER PURPOSES.

Senate Bill No. 254 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 255
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS WOOLDRIDGE, ALTES, CRITCHER, WHITAKER, WILKINSON
BY: REPRESENTATIVES ABERNATHY, BLAIR, GLIDEWELL, R. GREEN,
MEDLEY, PYLE, VERKAMP, WALTERS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY AND DEFINE THE SCOPE OF ACT 1285 OF 2003 REGARDING CHILD WELFARE AGENCIES AS IT PERTAINS TO RESIDENTIAL FACILITIES PROVIDING TREATMENT FOR CHILDREN DIAGNOSED WITH BOTH SUBSTANCE ABUSE AND PSYCHIATRIC DISORDERS; AND FOR OTHER PURPOSES.

Senate Bill No. 255 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. 256
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAWS CONCERNING THE CONDUCT OF ELECTIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 256 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. 257
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WHITAKER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS MOTOR VEHICLE COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 257 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 258
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE STATE CRIME LABORATORY FOR COSTS ASSOCIATED WITH THE PURCHASE OR REPLACEMENT OF EQUIPMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 258 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 259
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF COMMUNITY CORRECTION FOR MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, IMPROVEMENT, LEASE PAYMENTS AND FARM RECEIPTS REPLACEMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 259 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 260
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING FOR CONSTRUCTION, RENOVATION, IMPROVEMENT AND EXPANSION; AND FOR OTHER PURPOSES.

Senate Bill No. 260 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET .

SENATE BILL NO. 261
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS LEGISLATIVE COUNCIL, THE BUREAU OF LEGISLATIVE RESEARCH, AND THE INTERIM COMMITTEES OF THE ARKANSAS GENERAL ASSEMBLY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 261 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET .

SENATE BILL NO. 262
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS CRIME INFORMATION CENTER FOR AN UPGRADE TO THE MESSAGE SWITCH PROCESSOR; AND FOR OTHER PURPOSES.

Senate Bill No. 262 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET .

SENATE BILL NO. 263
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS WILKINS, STEELE, ALTES, MALONE, BROADWAY, CAPPS,
HIGGINBOTHOM, HORN, LAVERTY, MILLER, WOOLDRIDGE
BY: REPRESENTATIVES DOBBINS, DAVIS, ADAMS, BLOUNT, CHESTERFIELD,
CLEMONS, FLOWERS, HARDY, MATHIS, MCDANIEL, PYLE, RAGLAND

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE THIRD SATURDAY IN JUNE AS JUNETEENTH INDEPENDENCE DAY; AND FOR OTHER PURPOSES.

Senate Bill No. 263 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. 264
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS GOVERNOR'S MANSION COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 264 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 265
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH
BY: REPRESENTATIVE PYLE, R. GREEN

A Bill for an Act to be Entitled: AN ACT TO AMEND § 15-21-503 CONCERNING THE ARKANSAS STATE LAND INFORMATION BOARD; AND FOR OTHER PURPOSES.

Senate Bill No. 265 was read the first time, rules suspended, read the second time and referred to the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Senate Bill No. 49 and Senate Bill No. 93 were returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

HOUSE BILL NO. 1028, BY REPRESENTATIVE THOMPSON,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wooldridge, House Bill No. 1028 was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

HOUSE BILL NO. 1185, BY REPRESENTATIVE ROEBUCK,

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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Wilkins, **House Bill No. 1185** was ordered re-referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 1, 2005

Mr. President:

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

SENATE BILL NO. 49, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 93, SENATOR FARIS,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 49

SENATE BILL NO. 93

RECEIVED the above papers from the Secretary of the Senate this 1st day of February , 2005 at 2:35 p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 2
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS LAVERTY, WOMACK
BY: REPRESENTATIVES NORTON, DAVENPORT, JACKSON

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. RICHARD HUDSON AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 2 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 3
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY
BY: REPRESENTATIVE JACKSON

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF 2ND LT. JAMES MICHAEL GOINS AND IN RECOGNITION OF HIS CONTRIBUTIONS TO THE UNITED STATES ARMY.

Senate Concurrent Memorial Resolution No. 3 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 4
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS LAVERTY, WOMACK
BY: REPRESENTATIVE NORTON, JACKSON, DAVENPORT

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. F. SHERIDAN GARRISON AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 4 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 5
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS LAVERTY, WILKINSON, WOMACK
BY: REPRESENTATIVES NORTON, DAVENPORT, JACKSON

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. WILLIAM BROWNING KING GLADDEN AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 5 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 6
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS LAVERTY, WOMACK
BY: REPRESENTATIVES NORTON, JACKSON, DAVENPORT

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. DOYLE DENNIS HICKMAN AND IN RECOGNITION OF HIS CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 6 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 7
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY
BY: REPRESENTATIVES RAGLAND, DAVENPORT

SENATE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. DONALD LEE FLUD AND IN RECOGNITION OF HIS CONTRIBUTIONS TO HIS LOCAL COMMUNITY.

Senate Concurrent Memorial Resolution No. 7 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE CONCURRENT RESOLUTION NO. 3
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS
BY: REPRESENTATIVES FITE, J. JOHNSON

SENATE CONCURRENT RESOLUTION HONORING THE CAREER AND ACHIEVEMENTS OF TED NEWMAN.

Senate Concurrent Resolution No. 3 was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 266
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE A COUNTY SHERIFF TO DEPUTIZE A CONSTABLE WHOSE TOWNSHIP IS WITHIN THE SHERIFF'S JURISDICTION; TO CLARIFY THE LAW ENFORCEMENT RESPONSIBILITIES OF CONSTABLES; AND FOR OTHER PURPOSES.

Senate Bill No. 266 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

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SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 118
SENATE BILL NO. 174

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 49
SENATE BILL NO. 93

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1141

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1176

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1002

On motion of Senator Hill, the Senate adjourned until 1:30 p.m., Wednesday, February 2, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

