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

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Little Rock, Arkansas

February 2, 2005

The Senate was called to order at 1:35 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 Phil Hathcock, Superintendent of the Central District Untied 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On motion of Senator Glover, **Senate Bill No. 200** was withdrawn from the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.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 SENATE BILL NO. 200**

Amend **Senate Bill No. 200** as originally introduced:  
Add Representative L. Evans as the House cosponsor of the bill

(SIGNED) SENATOR BOBBY GLOVER

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 200** was ordered engrossed.

On motion of Senator Glover, **Senate Bill No. 190** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.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. 190**

Amend **Senate Bill No. 190** as originally introduced:  
Add Representative J. Johnson as a co-sponsor

(SIGNED) SENATOR BOBBY GLOVER

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 190** was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 205** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.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. 205**

Amend **Senate Bill No. 205** as originally introduced:  
 Add Senator Hill as a cosponsor

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 205** was ordered engrossed.

On motion of Senator J. Jeffress, **Senate Bill No. 229** 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. 229**

Amend **Senate Bill No. 229** as originally introduced:  
 Delete the title of the bill and substitute the following:

"AN ACT TO REQUIRE FORTY (40) MINUTES OF VISUAL ART AND FORTY (40) MINUTES OF MUSIC FOR STUDENTS IN GRADES ONE THROUGH SIX (1-6); AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO REQUIRE FORTY (40) MINUTES OF VISUAL ART FORTY (40) MINUTES OF MUSIC FOR STUDENTS IN GRADES ONE THROUGH SIX (1-6)."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-16-130 is amended to read as follows:

6-16-130. Visual art or music.

(a)(1) By no later than June 1, 2002, every public elementary school in the state shall provide instruction in visual art or music based on the state visual art and music frameworks for a period of not less than forty (40) minutes each calendar week of the school year.

(2)(A) Every student in grades one through six (1-6) shall be allowed to participate in the visual art or music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) Prior to June 1, 2005, the instruction required by this subsection may be provided by a volunteer or by a certified teacher.

(4) The Department of Education shall provide a stipend not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection.

(b)(1) By no later than June 1, 2005, every public elementary school in the state shall provide instruction for no less than forty (40) minutes in visual art and no less than forty (40) minutes in music based on the state visual art and music frameworks ~~for a period of not less than one (1) hour~~ each calendar week of the school year or an equivalent amount of time in each school year.

(2)(A) Every student in grades one through six (1-6) shall participate in the visual art and music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) The instruction required by subdivision (b)(1) of this subsection shall be provided by a licensed teacher certified to teach art or music, as applicable.

(4) The department shall provide a stipend of not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by ~~this subsection~~ (b) of this section."

SECTION 2. This act shall be effective on June 1, 2005 for the 2005-2006 school year.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that beginning on June 1, 2005, school districts will be required to offer one (1) full hour of art and music to students in grades one through six (1-6); that one (1) hour class periods are not compatible with

usual schedules used by school districts; and that school districts need sufficient time to hire staff, arrange schedules, allocate space, and purchase supplies based upon the changes made by this act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR JIMMY JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 229 was ordered engrossed.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

SENATE BILL NO. 190, BY SENATOR GLOVER,  
SENATE BILL NO. 205, BY SENATOR FARIS,

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 Glover, **Senate Bill No. 190** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Faris, **Senate Bill No. 205** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**SENATE BILL NO. 200**, BY SENATOR GLOVER,

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 Glover, **Senate Bill No. 200** was ordered re-referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**SENATE BILL NO. 229**, BY SENATOR J. JEFFRESS,

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 J. Jeffress, **Senate Bill No. 229** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**HOUSE BILL NO. 1077**, BY REPRESENTATIVE JACKSON,

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

February 2, 2005

Mr. President:

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

SENATE BILL NO. 192, BY SENATOR BROADWAY,

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 TRACY STEELE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

SENATE BILL NO. 168, BY SENATOR MADISON,

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

February 2, 2005

Mr. President:

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

HOUSE BILL NO. 1154, BY REPRESENTATIVE SAUNDERS,  
HOUSE BILL NO. 1201, BY REPRESENTATIVE GEORGE,

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 JIM ARGUE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

SENATE BILL NO. 208, BY SENATOR HILL,

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 BOBBY GLOVER, VICE CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

HOUSE BILL NO. 1064, BY REPRESENTATIVE BOND,  
HOUSE BILL NO. 1192, BY REPRESENTATIVE REEP,  
HOUSE BILL NO. 1217, BY REPRESENTATIVE BORHAUER,

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 BOBBY GLOVER, VICE CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

SENATE BILL NO. 129, 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 JIMMY JEFFRESS, CO-CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**SENATE BILL NO. 64**, 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 as amended No. 1.

Respectfully submitted,  
(SIGNED) SENATOR JIMMY JEFFRESS, CO-CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**SENATE BILL NO. 109**, BY SENATOR MALONE,

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

February 2, 2005

Mr. President:

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

SENATE BILL NO. 43, BY SENATOR STEVE FARIS,  
SENATE BILL NO. 44, BY SENATOR STEVE FARIS

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended No. 4.

Respectfully submitted,  
(SIGNED) SENATOR JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

SENATE BILL NO. 230, 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 No. 1.

Respectfully submitted,  
(SIGNED) SENATOR JACK CRITCHER, CHAIRMAN

On motion of Senator Bookout, **House Concurrent Resolution No. 1004** was called up for third reading and final disposition.

**HOUSE CONCURRENT RESOLUTION NO. 1004**

**EIGHTY-FIFTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: REPRESENTATIVES ROEBUCK, WOOD, GEORGE, D. CREEKMORE**

**BY: SENATORS WILKINSON, J. BOOKOUT, TRUSTY, T. SMITH**

HOUSE CONCURRENT RESOLUTION ENCOURAGING EACH AND EVERY CITIZEN OF THE STATE TO DONATE MONEY TO THE ARKANSAS RESERVE COMPONENTS EMERGENCY RELIEF FUND WHICH PROVIDES FINANCIAL ASSISTANCE TO AID THE FAMILIES OF MOBILIZED AND DEPLOYED MEMBERS OF THE ARKANSAS NATIONAL GUARD AND RESERVES.

**House Concurrent Resolution No. 1004** was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

**House Concurrent Resolution No. 1004** was ordered immediately returned to the House as concurred in.

On motion of Senator Johnson, [Senate Bill No. 233](#) was 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. 233](#)

Amend [Senate Bill No. 233](#) as originally introduced:

Page 3, delete line 26 and substitute:

"(c) This section shall not apply to annuities or workers' compensation, life, disability,"

AND

Page 5, delete Sections 9 and 10, and substitute the following:

"SECTION 9. Arkansas Code Title 23, Chapter 64, subchapter 5 is amended to add a section to read as follows:

§ 23-64-520. Compensation disclosure.

(a) As used in this section:

(1) "Affiliate" means a person that controls, is controlled by, or is under common control with a producer;

(2)(A) "Compensation from an insurer or other third party" means payments, commissions, fees, overrides, bonuses, contingent commissions, loans, stock options, or any other form of valuable consideration, whether or not payable pursuant to a written agreement.

(B) Awards, gifts, and prizes shall be considered "compensation from an insurer or other third party" if the award, gift, or prize is directly tied to the producer's performance; and

(3) "Compensation from the customer" shall not include any fee or similar expense under § 23-66-310 or any fee or amount collected by or paid to the producer that does not exceed an amount established by the Insurance Commissioner.

(b)(1) Before the placement of insurance business, all insurance producers shall disclose:

(A) Whether the producer or its affiliate represents the customer or the insurer; and

(B) The source or sources of the producer's or affiliate's compensation for the placement.

(2) If the producer represents the insurer, the producer shall disclose to the customer that the producer provides services to the customer on behalf of the insurer.

(3) If the producer receives compensation from the customer or represents the customer, the producer shall disclose:

(A) The source or sources of the producer's or affiliate's compensation for the placement; and

(B) Whether the producer or its affiliate will receive compensation for the placement from the insurer or other third party based upon volume, profitability, or other factors, and if the customer requests, the producer shall provide a reasonable estimate of the amount of compensation.

(c) A person shall not be considered a "customer" for purposes of this section if the person is merely:

(1) A participant or beneficiary of an employee benefit plan; or

(2) Covered by a group or blanket insurance policy or group annuity contract sold, solicited or negotiated by the producer or affiliate.

(d) This section shall not apply to:

(1) A person licensed as a producer who acts only as an intermediary between an insurer and the customer's producer, including, but not limited to, a managing general agent, a sales manager, or wholesale broker when acting only as an intermediary;

(2) A reinsurance intermediary;

(3) Any placement involving a residual market mechanism;

(4) Renewals, unless the information previously disclosed under subsection (b) has substantially changed; or

(5) Any placement of credit life or credit disability insurance."

AND

Page 10, line 10, delete "Willfully embezzles" and substitute "Embezzles"

AND

Page 10, line 17, delete "conspiracy" and substitute "~~conspiracy~~ conspires"

AND

Page 11, delete line 24 and substitute "expiration of the waiting period or sooner if approved by the commissioner."

AND

Page 16, line 20, delete "(b)" and substitute "(b)(1)"

AND

Page 16, line 22, delete "(c) Proceedings" and substitute "(2) Any appeal"

AND

Page 17, delete Section 21

AND

Page 24, delete line 35 and substitute "it existed on January 1, 2004:"

AND

Page 25, line 9, delete "amended" and substitute "it existed on January 1, 2004"

AND

Page 25, line 20, delete "amended" and substitute "it existed on January 1, 2004"

AND

Page 25, line 33, delete "amended" and substitute "it existed on January 1, 2004"

AND

Page 26, line 1, delete "amended" and substitute "it existed on January 1, 2004"

AND

Page 27, line 30, delete "or"

AND

Page 33, line 13, delete "amended" and substitute "it existed on January 1, 2004"

AND

Page 49, line 13, delete "or claim"

AND

Appropriately renumber all sections of the bill.

(SIGNED) SENATOR ROBERT JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 233 was ordered engrossed.

The President declared the morning hour to have expired.

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

February 1, 2005

TO THE PRESIDENT AND MEMBERS OF THE SENATE

Dear Mr. President and Senators:

This is to inform your Honorable Body that on February 1, 2005, I approved the following measures from the regular session of the Eighty-fifth General Assembly:

**SENATE BILL NO. 12**, which is now Act 25 of 2005

**SENATE BILL NO. 71**, which is now Act 26 of 2005

Sincerely,

(SIGNED) MIKE HUCKABEE  
Governor

On motion of Senator Higginbothom, **Senate Bill No. 201** was called up for third reading and final disposition.

**SENATE BILL NO. 201  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HIGGINBOTHOM  
BY: REPRESENTATIVE CHILDERS**

A Bill for an Act to be Entitled: AN ACT TO ADDRESS THE QUALIFICATIONS FOR EXECUTION AND ISSUANCE OF CAPITAL IMPROVEMENT BID BONDS; AND FOR OTHER PURPOSES.

**Senate Bill No. 201** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 201** was ordered immediately transmitted to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1025** was called up for third reading and final disposition.

**HOUSE BILL NO. 1025  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WALTERS**

A Bill for an Act to be Entitled: AN ACT TO ADOPT THE ARKANSAS UNIFORM SIMULTANEOUS DEATH ACT (2005); AND FOR OTHER PURPOSES.

**House Bill No. 1025** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1025** was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, **House Bill No. 1003** was called up for third reading and final disposition.

**HOUSE BILL NO. 1003  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE BOYD**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE CREATION AND LOCATIONS OF THE DEPARTMENTS OF VARIOUS DISTRICT COURTS; AND FOR OTHER PURPOSES.

**House Bill No. 1003** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1003**, 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause .....24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1003** was ordered immediately returned to the House as passed.

On motion of Senator Madison, **House Bill No. 1009** was called up for third reading and final disposition.

**HOUSE BILL NO. 1009  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE EDWARDS**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE A COUNTY CLERK TO FILE A REPORT OF EQUALIZED ASSESSED PROPERTY VALUES WITH THE ASSESSMENT COORDINATION DEPARTMENT WITHIN THIRTY (30) DAYS AFTER THE COUNTY EQUALIZATION BOARD ADJOURNS; AND FOR OTHER PURPOSES.

**House Bill No. 1009** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1009** was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, **House Bill No. 1202** was called up for third reading and final disposition.

**HOUSE BILL NO. 1202  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES BOYD, D. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO REPEAL OUTDATED LANGUAGE REGARDING MINIMUM WAGES PAID TO EMPLOYEES OF THE ARKANSAS FORESTRY COMMISSION; AND FOR OTHER PURPOSES.

**House Bill No. 1202** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1202** was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, **House Bill No. 1203** was called up for third reading and final disposition.

**HOUSE BILL NO. 1203  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES BOYD, D. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE AUTHORITY OF THE ARKANSAS FORESTRY COMMISSION TO ENFORCE CRIMINAL LAW REGARDING TREES, TIMBER, AND LOGS; AND FOR OTHER PURPOSES.

**House Bill No. 1203** 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.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1203** was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, **Senate Bill No. 84** was withdrawn from the Committee on JOINT BUDGET, 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. 84**

Amend **Senate Bill No. 84** as originally introduced:

Page 2, line 27 delete "107,508      107,508" and substitute  
 "124,442      110,062"

AND

Page 2, line 32 delete "\$ 784,479 \$ 802,923" and substitute  
"\$ 801,413 \$ 805,477"

(SIGNED) SENATOR DAVID BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 84** was ordered engrossed.

On motion of Senator Bisbee, **Senate Bill No. 87** was 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. 87**

Amend **Senate Bill No. 87** as originally introduced:

Page 3, line 6 delete "20,000      20,000" and substitute  
 "30,000      30,000"

AND

Page 3, line 7 delete "530,074 540,656" and substitute

"530,845 541,427"

AND

Page 3, line 9 delete "295,663 295,663" and substitute

"304,540 313,679"

AND

Page 3, line 12 delete " 0 0" and substitute

"112,000 112,000"

AND

Page 3, line 15 delete "200,000 200,000" and substitute

"210,000 210,000"

AND

Page 3, line 19 delete "\$ 3,413,856 \$ 3,480,721" and substitute

"\$ 3,555,504 \$ 3,631,508"

(SIGNED) SENATOR DAVID BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 87 was ordered engrossed.

SENATE BILL NO. 267  
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 HUMAN SERVICES - DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

**Senate Bill No. 267** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 268  
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 DEPARTMENT OF ENVIRONMENTAL QUALITY FOR WATER QUALITY MONITORING AND ASSESSMENT; AND FOR OTHER PURPOSES.

**Senate Bill No. 268** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 269  
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 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 269 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 270  
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 UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 270 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 271  
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 UNIVERSITY OF ARKANSAS AT MONTICELLO FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

**Senate Bill No. 271** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 272  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR STATE ASSISTANCE TO THE CITY OF CARLISLE, ARKANSAS FOR A CIVIC CENTER; AND FOR OTHER PURPOSES.

**Senate Bill No. 272** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 273  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. TAYLOR

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE THE INSTALLATION OF ELECTRIC FENCING AT JAILS OPERATED BY THE DEPARTMENT OF CORRECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 273 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. 274  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR LAVERTY  
BY: REPRESENTATIVE SULLIVAN

A Bill for an Act to be Entitled: AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO SELL WEAPONS CONFISCATED UNDER ARKANSAS CODE § 16-90-119; AND FOR OTHER PURPOSES.

Senate Bill No. 274 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 275  
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 HUMAN SERVICES - DIVISION OF MEDICAL SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 275 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 276  
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 HUMAN SERVICES - DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 276 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 277  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: SENATORS T. SMITH, GLOVER, HIGGINBOTHOM, HILL, HORN,  
B. JOHNSON, & MILLER

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. 277 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 1138  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE VERKAMP

A Bill for an Act to be Entitled: AN ACT TO ABOLISH THE DEFENSE OF CONDONATION IN ACTIONS FOR ABSOLUTE DIVORCE OR DIVORCE FROM BED AND BOARD; AND FOR OTHER PURPOSES.

House Bill No. 1138 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1282  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES RANKIN, PETRUS, BOLIN, L. EVANS  
BY: SENATORS HIGGINBOTHOM, & J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO PERMIT EARTHMOVING EQUIPMENT USED PRIMARILY IN FARMING OPERATIONS TO MOVE ON HIGHWAYS BEYOND A FIFTY (50) MILE RADIUS; AND FOR OTHER PURPOSES.

House Bill No. 1282 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1292  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE CHILDERS

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT HEARINGS CONCERNING TEMPORARY GUARDIANSHIPS MUST BE HELD WITHIN TEN (10) WORKING DAYS OF THE ENTRY OF THE ORDER; AND FOR OTHER PURPOSES.

House Bill No. 1292 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**SENATE BILL NO. 84**, BY JOINT BUDGET COMMITTEE,

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 CAPPES, CHAIRMAN

On motion of Senator Bisbee, **Senate Bill No. 84** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**Senate BILL NO. 87**, BY JOINT BUDGET COMMITTEE,

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 CAPPES, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 2, 2005

Mr. President:

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

**Senate BILL NO. 233**, BY SENATOR JOHNSON,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

HOUSE BILL NO. 1136  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES RAGLAND, BERRY, DICKINSON, FITE, GLIDEWELL,  
R. GREEN, HARRIS, J. HUTCHINSON, T. HUTCHINSON, KEY, M. MARTIN,  
MATAYO, MEDLEY, NORTON, ORMOND, PETRUS, PRITCHARD, PYLE,  
ROSENBAUM, SCHULTE, SCROGGIN, VERKAMP, & WALTERS  
BY: SENATORS WHITAKER, ALTES, HOLT, HORN, J. JEFFRESS, LAVERTY, T.  
SMITH, J. TAYLOR, TRUSTY, & WOMACK

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THAT ANY TEXTBOOK USED BY A PUBLIC SCHOOL SHALL DEFINE MARRIAGE AS BETWEEN ONE (1) MAN AND ONE (1) WOMAN; AND FOR OTHER PURPOSES.

**House Bill No. 1136** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 278  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: SENATORS ALTES, G. JEFFRESS, & J. JEFFRESS  
BY: REPRESENTATIVES WALTERS, GLIDEWELL, MAXWELL, & SAUNDERS

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE LOCAL SCHOOL BOARD OF DIRECTORS TO PROTECT THE PRIVACY RIGHTS OF A STUDENT DURING AN EXPULSION HEARING; AND FOR OTHER PURPOSES.

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

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 21  
SENATE BILL NO. 28  
SENATE BILL NO. 105  
SENATE BILL NO. 108  
SENATE BILL NO. 142

HOUSE BILL NO. 1033  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES J. HUTCHINSON, LAMOUREUX, ROSENBAUM, T.  
HUTCHINSON, ANDERSON, BORHAUER, BOYD, BRIGHT, COOPER, D.  
CREEKMORE, DICKINSON, FITE, HARDWICK, HARRIS, KENNEY, KEY, MACK,  
MALOCH, M. MARTIN, MATAYO, MEDLEY, NORTON, PACE, RAGLAND,  
SAMPLE, WALTERS, & WILLIS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PARENTAL  
CONSENT BEFORE PERFORMING AN ABORTION ON A MINOR; AND FOR  
OTHER PURPOSES.

**House Bill No. 1033** was read the first time, rules suspended, read the  
second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND  
LABOR.

HOUSE BILL NO. 1063  
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 OPERATING EXPENSES FOR THE STATE ATHLETIC COMMISSION  
WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS  
APPROPRIATED BY ACT 148 OF 2003; AND FOR OTHER PURPOSES.

**House Bill No. 1063** was read the first time, rules suspended, read the  
second time and placed on the Calendar.

HOUSE BILL NO. 1311  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES BRIGHT & ROEBUCK

A Bill for an Act to be Entitled: AN ACT TO ADD DENTAL HYGIENISTS TO THE LIST OF PROFESSIONALS REQUIRED TO REPORT CHILD MALTREATMENT AND ADULT MALTREATMENT; AND FOR OTHER PURPOSES.

House Bill No. 1311 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

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SENATE BILLS TRANSMITTED TO THE HOUSE  
AS PASSED

SENATE BILL NO. 201

HOUSE BILLS RETURNED TO THE HOUSE  
AS PASSED

- HOUSE BILL NO. 1003
- HOUSE BILL NO. 1009
- HOUSE BILL NO. 1025
- HOUSE BILL NO. 1202
- HOUSE BILL NO. 1203

HOUSE CONCURRENT RESOLUTION RETURNED  
TO THE HOUSE AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1004

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED

SENATE BILL NO. 21  
SENATE BILL NO. 28  
SENATE BILL NO. 105  
SENATE BILL NO. 108  
SENATE BILL NO. 142

HOUSE BILLS TRANSMITTED TO THE SENATE  
AS PASSED

HOUSE BILL NO. 1033  
HOUSE BILL NO. 1063  
HOUSE BILL NO. 1136  
HOUSE BILL NO. 1138  
HOUSE BILL NO. 1282  
HOUSE BILL NO. 1292  
HOUSE BILL NO. 1311

On motion of Senator Hill, the Senate adjourned until 11:00 a.m., Thursday, February 3, 2005.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE