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

Little Rock, Arkansas

February 3, 2005

The Senate was called to order at 11:00 o'clock a.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 Senator Gene Jeffress.

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On motion of Senator Hendren, **Senate Bill No. 37** was withdrawn from the Committee on PUBLIC TRANSPORTATION, and placed back on second reading for purpose of Amendment No. 1.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. 37

Amend **Senate Bill No. 37** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 27-35-110 is amended to read as follows:

27-35-110. Spilling loads on highways prohibited - Covers required for loads of sand, gravel, and rock - Exceptions.

(a) For the purposes of this section:

(1) "Cover" means a cloth, rubber, plastic, polymer, or metal device designed or used to cover a load hauled by a vehicle;

(2) "Load" means any material or substance that is hauled:

(A) In a vehicle that is not enclosed on all sides of the vehicle;

or

(B) By a vehicle in a trailer or towing device that has any unenclosed areas; and

(3) "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom.

(b)(c) Sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(e)(d) For a motor vehicle or a trailer with an open bed ~~manufactured after September 30, 2001,~~ no sand, gravel, or rock shall be transported on the paved public streets and highways of this state in a motor vehicle or trailer with an open bed unless the open bed is ~~securely covered with a material~~ secured with a cover which will prevent the load from dropping, sifting, leaking, or otherwise escaping therefrom. The cover shall be securely fastened to prevent the ~~covering~~ cover from becoming loose, detached, or in any manner a hazard to other users of the highway.

~~(d) For a motor vehicle or a trailer with an open bed manufactured on or before September 30, 2001, a vehicle with an open bed transporting sand, gravel, or rock is required to be covered as prescribed in subsection (c) of this section unless six (6) inches of freeboard is maintained at the perimeter of the load within the open bed of the vehicle or trailer carrying the load. Measurements are to be taken at the perimeter of the vehicle's or trailer's bed and measured from the top edge of the bed down to the sand, gravel, or rock being transported."~~

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR KIM HENDREN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 37 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 100** 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. 100

Amend **Senate Bill No. 100** as engrossed, S1/27/05:

Page 3, line 14 delete "earlier." and substitute "later."

(SIGNED) SENATOR MARY SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 100 was ordered engrossed.

On motion of Senator Wooldridge, **Senate Bill No. 249** was withdrawn from the Committee on REVENUE AND TAXATION, 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. 249

Amend **Senate Bill No. 249** as originally introduced:

Page 2, delete line 36 and substitute the following:

“services that is not required by subdivision (c)(4) of this section to pay”

(SIGNED) SENATOR TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 249 was ordered engrossed.

On motion of Senator Taylor, **Senate Bill No. 273** was withdrawn from the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS, and placed on the Calendar.

Without objection, **Senate Bill No. 273** was withdrawn by the author.

On motion of Senator Laverty, [Senate Concurrent Memorial Resolution No. 2](#) was called up for 3rd reading.

[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 third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Concurrent Memorial Resolution No. 2](#) was ordered immediately transmitted to the House.

On motion of Senator Broadway, [Senate Bill No. 192](#) 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. 192](#)

Amend [Senate Bill No. 192](#) as engrossed S1/31/05:
 Add Senators Steele, Holt, Whitaker, Baker, Altes, Laverty, and Capps as cosponsors of the bill

(SIGNED) SENATOR MICHAEL BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 192](#) was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 43** was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to SENATE BILL NO. 43

Amend **Senate Bill No. 43** as originally introduced:

Add the following Senators as cosponsors of the bill: Critcher, B. Johnson, Horn, Wilkins, J. Jeffress, Laverty, G. Jeffress, Capps

AND

Add the following Representatives as cosponsors of the bill: J. Johnson, Reep, Goss, Hardy, Bolin, Burriss, Chesterfield, Cook, Davis, Kidd, Lewellen,

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 43 was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 44** was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to SENATE BILL NO. 44

Amend **Senate Bill No. 44** as engrossed, S1/31/05:

Page 2, delete line 32 and substitute the following:

"extent permitted by ERISA as in effect on January 1, 2005.

(c)(1) The state's any willing provider laws shall be construed to include within their provider definitions all those providers of the same class or classes who:

(A) Are practicing or operating within a border city in an adjoining state; and

(B) Are licensed or authorized to practice or operate by the adjoining state, regardless of whether the provider is licensed or otherwise authorized to operate in Arkansas.

(2) For purposes of this section, "border city" means a city in a state adjoining Arkansas which adjoins the Arkansas state line or is separated from an Arkansas city only by a navigable river."

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 44 was ordered engrossed.

On motion of Senator Johnson, Senate Bill No. 230 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. 230

Amend Senate Bill No. 230 as originally introduced:

Page 2, delete lines 14 through 17 and substitute the following:

"leading to the use of condemnation by consolidated waterworks systems to manage land use in a watershed. Through this chapter, the General Assembly provides alternatives to condemnation."

AND

Page 2, delete line 24 and substitute the following:

"action, other than a consolidated waterworks system's right of eminent domain;"

AND

Page 2, line 33 delete "water supplier" and substitute "consolidated waterworks system"

AND

Page 3, delete line 19 and substitute the following:

"conservation easement;

(4) "Consolidated waterworks system" means a consolidated waterworks system created and existing under the Consolidated Waterworks Authorization Act, § 25-20-301, et seq., and any successor to a consolidated waterworks system."

AND

Page 3, line 20 delete "(4)" and substitute "(5)"

AND

Page 3, delete line 22 and 23 and substitute the following:

"(6) "Executive director" means the Executive Director of the Arkansas Soil and Water Conservation Commission, acting for and on behalf of the commission;"

AND

Page 3, line 24 delete "(6)" and substitute "(7)"

AND

Page 3, delete lines 29 through 31 and substitute the following:

"(8) "Public water supply" means a source of surface water from which water is derived for drinking or domestic purposes by a consolidated water system;"

AND

Page 3, line 32 delete "(8)" and substitute "(9)"

AND

Page 3, line 34 delete "(9)" and substitute "(10)"

AND

Page 4, line 3 delete "(10)" and substitute "(11)"

AND

Page 4, delete lines 7 through 11

AND

Page 4, delete lines 14 through 17 and substitute the following:

“(13) “Watershed resources” means any water of the state, all surface waters located within the watershed of a water of the state, and all ground waters that are hydraulically connected to and recharge the watershed resources.”

AND

Page 4, line 21 after “if” and before “the” add “the executive director finds that”

AND

Page 5, line 9 delete “water supplier” and substitute “consolidated waterworks system”

AND

Page 5, line 26 delete “(5)” and substitute “(5)(A)”

AND

Page 5, delete line 30 and substitute the following:

“identified.

(B) The development plan and all the methods and best management practices must be signed by a registered professional engineer or other professional licensed in the relevant field of expertise.”

AND

Page 6, line 4 after “to” and before “carry” add “pay all fees due to the commission and to”

AND

Page 7 delete lines 8 through 20 and substitute the following:

“15-25-205. Right and power of consolidated waterworks systems to condemn.

Notwithstanding any other legislative grant of power to condemn property through eminent domain, with the exception of reasonable and necessary lakeside buffers and streamside buffers, consolidated waterworks systems may not acquire property by eminent domain to prohibit alterations or control land uses within the watershed of a public water supply unless the consolidated waterworks system can demonstrate by clear and convincing evidence that all alternatives to condemnation including a stewardship agreement have been evaluated and demonstrated to be inadequate to prevent a material adverse impact to the water quality of the public water supply.”

AND

Page 7 delete line 24 and substitute the following:

“stewardship agreements and to implement the provisions of this chapter.”

AND

Page 7 delete lines 26 through 30

AND

Page 8, line 5 delete "entities with the power of eminent domain" and substitute "consolidated water systems"

(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. 230 was ordered engrossed.

On motion of Senator J. Jeffress, Senate Bill No. 64 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. 64

Amend Senate Bill No. 64 as originally introduced:

Delete Section 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 24-8-715 is repealed.

~~24-8-715. Redetermination of benefits.~~

~~(a) Each July 1 the Arkansas Judicial Retirement System shall redetermine the amount of each monthly benefit which has been payable by the system under the Tier Two Actual Judicial Service Benefit Plan for at least twelve (12) full calendar months. The redetermined amount shall be payable for the following twelve (12) calendar months.~~

~~(b) Subject to the maximum stated in subsection (c) of this section, the redetermined amount shall be the amount of benefit payable as of the immediately preceding July 1 increased by three percent (3%).~~

~~(c) In no event shall the redetermined amount be more than the amount of the benefit payable as of the immediately preceding July 1 multiplied by the following fraction:~~

~~(1) The numerator shall be the average of the consumer price index for the twelve (12) calendar months in the calendar year immediately preceding July~~

~~1, but in no event an amount less than the denominator; and~~

~~(2) The denominator shall be the average of the consumer price index for the twelve (12) calendar months in the calendar year second preceding the redetermination date.~~

(SIGNED) SENATOR JIMMY JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 64 was ordered engrossed.

On motion of Senator Higginbothom, House Bill No. 1024 was 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. 1024

Amend House Bill No. 1024 as engrossed, H1/21/05:

Page 2, line 20, delete "an additional subsection" and substitute "two (2) additional subsections"

AND

Page 2, delete lines 22 through 33 and substitute the following:

"(f)(1) The Office of Appeals and Hearings of the Department of Human Services shall designate the sites to be used for videoconference hearings.

(2) The office shall designate sites within ten (10) miles of the following cities:

- (A) Arkadelphia;
- (B) Booneville;
- (C) Conway;
- (D) Fayetteville;
- (E) Jonesboro;
- (F) Little Rock; or
- (G) Warren.

(3) The Office of Appeals and Hearings may, in its discretion, designate additional sites for videoconference hearings.

(g)(1) If any party requests an in-person hearing within thirty (30) days from the date that the party receives notification under subsection (c) of this section, then the in-person hearing shall be conducted in an office of the Department of Human Services nearest to the petitioner's residence, unless the hearing officer notifies the parties that the hearing will be conducted via videoconference.

(2) Sites for videoconference hearings shall include the location designated by the Office of Appeals and Hearings that is nearest to the petitioner's residence.

(3) The hearing officer and other parties may agree to appear at the location designated by the Office of Appeals and Hearings or at any other designated hearing locations that are convenient to them."

(SIGNED) SENATOR STEPHEN HIGGINBOTHOM

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1024 was ordered engrossed.

The President declared the morning hour to have expired.

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

January 4, 2005

TO THE PRESIDENT AND MEMBERS OF THE SENATE

Dear Mr. President and Senators:

Pursuant to the authority vested in me by the Constitution of the State of Arkansas, I am submitting the name of Sandra Hochstetter of Pulaski County as a member of the Arkansas Public Service Commission for a term to commence January 14, 2005, and expire January 14, 2011.

I am respectfully submitting her name to your Honorable Body and request that she be confirmed.

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

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

ANN CORNWELL
Secretary of the Senate
Senate Fiscal Officer
State Capitol, Room 320
Little Rock, Arkansas 72201

February 3, 2005

The Honorable Mike Huckabee
Governor of Arkansas
Executive Chamber
State Capitol Building
Little Rock, Arkansas 72201

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fifth General Assembly, Regular Session, on a motion of Senator Shane Broadway, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable Body.

| <u>APPOINTEE & COUNTY</u> | <u>EXPIRATION DATE</u> | <u>BROAD OR COMMISSION</u> |
|--------------------------------------|------------------------|---------------------------------------|
| Sandra Hochstetter Pulaski County | 01/14/2011 | Arkansas Public Service Commission |

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:as

Enclosure

cc: The Honorable Charles Daniels, Secretary of State
Jason L. Brady, Director of Boards and Commissions

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 37, BY SENATOR HENDREN,

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 Hendren, **Senate Bill No. 37** was ordered re-referred to the Committee on PUBLIC TRANSPORTATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 100, BY SENATOR SALMON,

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 Salmon, **Senate Bill No. 100** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 249, BY SENATOR WOOLDRIDGE,

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 Wooldridge, **Senate Bill No. 249** was ordered re-referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 203, BY SENATOR MALONE,
SENATE BILL NO. 204, BY SENATOR MALONE,
SENATE BILL NO. 235, BY SENATOR STEELE,
SENATE BILL NO. 256, BY SENATOR 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.

Respectfully submitted,
(SIGNED) SENATOR STEVE FARIS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 236, BY SENATOR ALTES,

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 PAUL MILLER

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

HOUSE BILL NO. 1175, BY REPRESENTATIVE MATHIS,
HOUSE BILL NO. 1251, BY REPRESENTATIVE MALOCH,

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 PAUL MILLER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 209, BY SENATOR WILKINS,

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 IRMA H. BROWN, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

HOUSE BILL NO. 1145, BY REPRESENTATIVE CLEMONS,

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 IRMA H. BROWN, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

HOUSE BILL NO. 1185, BY REPRESENTATIVE ROEBUCK,

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. 2.

Respectfully submitted,
(SIGNED) SENATOR IRMA H. BROWN, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

HOUSE BILL NO. 1082, BY REPRESENTATIVE OVERBEY,
HOUSE BILL NO. 1140, BY REPRESENTATIVE VERKAMP,

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 IRMA HUNTER BROWN, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 21, BY SENATOR FARIS,
SENATE BILL NO. 28, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 105, BY SENATORS FARIS, J. JEFFRESS, BOOKOUT,
SENATE BILL NO. 108, BY SENATORS FARIS, J. JEFFRESS, BOOKOUT,
SENATE BILL NO. 142, BY SENATORS J. JEFFRESS, 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 9:07 a.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 21

SENATE BILL NO. 28

SENATE BILL NO. 105

SENATE BILL NO. 108

SENATE BILL NO. 142

RECEIVED the above papers from the Secretary of the Senate this 3rd day of February , 2005 at 9:07 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

On motion of Senator Madison, **Senate Bill No. 168** was called up for third reading and final disposition.

**SENATE BILL NO. 168
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVES L. SMITH & EDWARDS**

A Bill for an Act to be Entitled: AN ACT TO ALLOW CLASSIFIED EMPLOYEES OF STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING TO RECEIVE COMPENSATION FOR UNUSED SICK LEAVE AT RETIREMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 168 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: Baker, Bisbee, Broadway, Capps, Critcher, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Whitaker, Wilkins, Womack.

Total26

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING: Bookout, Brown, Bryles, Faris, Trusty, Wilkinson, Wooldridge, Mr. President.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 168 was ordered immediately transmitted to the House as passed.

On motion of Senator Hill, **Senate Bill No. 208** was called up for third reading and final disposition.

**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 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, Lavery, 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 passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 208 was ordered immediately transmitted to the House as passed.

On motion of Senator Johnson, **Senate Bill No. 233** was called up for third reading and final disposition.

SENATE BILL NO. 233

As Engrossed: S2/2/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS B. JOHNSON, FARIS, LAVERTY, HORN, CRITCHER, ALTES, BAKER, BISBEE, J. BOOKOUT, BROADWAY, BRYLES, CAPPS, GLOVER, HIGGINBOTHOM, HILL, HOLT, J. JEFFRESS, MALONE, MILLER, T. SMITH, J. TAYLOR, TRUSTY, WHITAKER, WILKINSON, WOMACK, & WOOLDRIDGE

BY: REPRESENTATIVE & STOVALL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE COMPREHENSIVE AND UNIFORM INSURANCE REFORM; AND FOR OTHER PURPOSES.

Senate Bill No. 233 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 cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 233 was ordered immediately transmitted to the House as passed.

On motion of Senator Malone, **Senate Bill No. 109** was called up for third reading and final disposition.

SENATE BILL NO. 109

As Engrossed: S1/20/05 S2/1/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS MALONE, ALTES, ARGUE, BISBEE, J. BOOKOUT, BROADWAY, BRYLES, CAPPS, FARIS, GLOVER, HIGGINBOTHOM, HORN, HENDREN, HILL, G. JEFFRESS, J. JEFFRESS, B. JOHNSON, LAVERTY, MILLER, SALMON, T. SMITH, STEELE, J. TAYLOR, TRUSTY, WHITAKER, WILKINSON, WOMACK, & WOOLDRIDGE

BY: REPRESENTATIVES STOVALL, J. JOHNSON, & HARDWICK

A Bill for an Act to be Entitled: AN ACT TO CONTROL THE DISTRIBUTION OF CERTAIN PRECURSOR INGREDIENTS UTILIZED TO MANUFACTURE METHAMPHETAMINE; TO CLASSIFY EPHEDRINE COMBINATION PRODUCTS, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE AS SCHEDULE V CONTROLLED SUBSTANCES; TO CREATE OFFENSES REGARDING THE SALE AND PURCHASE OF EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE; AND FOR OTHER PURPOSES.

Senator Miller and Senator Womack spoke for the Bill.

Senate Bill No. 109 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. 109**, 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 cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 109 was ordered immediately transmitted to the House.

On motion of Senator J. Bookout, **Senate Bill No. 146** was called up for third reading and final disposition.

SENATE BILL NO. 146
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MEDICAL PRACTICES ACT AND RELATED STATUTES; TO INCREASE THE PENALTY FOR RENEWAL OF DELINQUENT MEDICAL LICENSES; AND FOR OTHER PURPOSES.

Senate Bill No. 146 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 bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 146 was ordered immediately transmitted to the House as passed.

On motion of Senator Malone, the rules were suspended in considering **Senate Bill No. 38** at this time.

On motion of Senator Malone, **Senate Bill No. 38** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 38

Amend **Senate Bill No. 38** as engrossed: S1/20/05

Add Representatives Childers, Pace, Abernathy, Adams, Adcock, Anderson, Berry, Bond, Boyd, Burris, Clemons, Cooper, D. Creekmore, Dickinson, Dobbins, Edwards, Elliott, D. Evans, L. Evans, Glidewell, Green, Harris, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Ledbetter, Mack, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rankin, Reep, Roebuck, Rosenbaum, Sample, Saunders, Schulte, Scroggin, Stovall, Thomason, Thompson, Walters, Willis, Wills, Wood, and Wyatt as House cosponsors of the bill.

(SIGNED) SENATOR PERCY MALONE

Amendment No. 1 to Senate Bill No. 38, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Malone, **Senate Bill No. 38** was called up for third reading and final disposition.

SENATE BILL NO. 38
As Engrossed: S1/20/05 H1/27/05
 EIGHTY-FIFTH GENERAL ASSEMBLY
 REGULAR SESSION

BY: SENATORS MALONE, HILL, ARGUE, MADISON, BROADWAY,
 HIGGINBOTHOM, J. JEFFRESS, G. JEFFRESS, SALMON, T. SMITH, GLOVER,
 LUKER, BRYLES, J. BOOKOUT, LAVERTY, HENDREN, HORN, WILKINSON,
 WOOLDRIDGE, BROWN, CAPPS, MILLER, J. TAYLOR, TRUSTY, & WOMACK
 BY: REPRESENTATIVES THYER, *CHILDERS, PACE, ABERNATHY, ADAMS,*
ADCOCK, ANDERSON, BERRY, BOND, BOYD, BURRIS, CLEMONS, COOPER,
D. CREEKMORE, DICKINSON, DOBBINS, EDWARDS, ELLIOTT, D. EVANS, L.
EVANS, GLIDEWELL, R. GREEN, HARRIS, T. HUTCHINSON, JEFFREY, D.
JOHNSON, J. JOHNSON, KENNEY, KEY, LEDBETTER, MACK, MALOCH, J.
MARTIN, M. MARTIN, MATAYO, MATHIS, MCDANIEL, MEDLEY, NICHOLS,
NORTON, ORMOND, OVERBEY, PATE, PETRUS, PICKETT, S. PRATER,
PRITCHARD, PYLE, RAGLAND, RANKIN, REEP, ROEBUCK, ROSENBAUM,
SAMPLE, SAUNDERS, SCHULTE, SCROGGIN, STOVALL, THOMASON,
THOMPSON, WALTERS, WILLIS, WILLS, WOOD, & WYATT

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE INCOME TAX SURCHARGE BEGINNING WITH TAX YEAR 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 38 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. 38 was ordered enrolled.

On motion of Senator Wooldridge, House Bill No. 1077 was called up for third reading and final disposition.

HOUSE BILL NO. 1077
 EIGHTY-FIFTH GENERAL ASSEMBLY
 REGULAR SESSION
 BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO ALLOW A PRIVATE DRIVER TRAINING FACILITY OR OTHER FACILITY TO ADMINISTER THE SKILLS TEST REQUIRED TO OBTAIN A COMMERCIAL DRIVER LICENSE; AND FOR OTHER PURPOSES.

House Bill No. 1077 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, 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, Womack, Wooldridge.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Wilkins, Wilkinson, Mr. President.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....31

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. 1077 was ordered immediately returned to the House as passed.

On motion of Senator Whitaker, House Bill No. 1068 was called up for third reading and final disposition.

HOUSE BILL NO. 1068
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BORHAUER

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LITTER CONTROL ACT TO GIVE ILLEGAL DUMPS CONTROL OFFICERS THE POWER TO ISSUE CITATIONS FOR LITTERING; TO CLARIFY THE PROPER DISPOSAL OF SOLID WASTE FROM ILLEGAL DUMPS AND TO CORRECT REFERENCES TO THE COURT OF COMPETENT JURISDICTION; AND FOR OTHER PURPOSES.

House Bill No. 1068 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, Lavery, 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. 1068**, 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. 1068 was ordered immediately returned to the House as passed.

On motion of Senator G. Jeffress, **House Bill No. 1154** was called up for third reading and final disposition.

HOUSE BILL NO. 1154
As Engrossed H1/21/05
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 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, Lavery, 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 passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1154 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 212, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 213, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 214, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 215, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 216, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 217, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 218, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 219, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 220, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 221, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 222, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 223, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 224, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 239, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 240, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 242, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 244, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 248, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 258, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 260, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 262, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 264, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,
(SIGNED) SENATOR DAVID BISBEE, CHAIRMAN

SENATE BILL NO. 279
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 INSTITUTIONS OF HIGHER EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

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

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

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE GOVERNOR'S LEGISLATIVE LIAISONS, LEGISLATIVE CLERK, LEGISLATIVE ASSISTANT CLERK, LEGISLATIVE SENIOR ADMINISTRATIVE ASSISTANT, LEGISLATIVE RECEPTIONIST AND LEGISLATIVE ADMINISTRATIVE ASSISTANT DURING THE EIGHTY FIFTH SESSION OF THE ARKANSAS GENERAL ASSEMBLY FOR THE OFFICE OF THE GOVERNOR FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 281
EIGHTY-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 CHILDREN AND FAMILY SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 282
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BAKER

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR STAGGERED PLATE RENEWALS AND PERMANENT PLATES FOR MOTOR VEHICLE DEALERS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 283
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE THE ARKANSAS BUREAU OF STANDARDS TO COLLECT CERTAIN FEES FOR TESTING AND INSPECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 283 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

SENATE BILL NO. 284
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALTES
BY: REPRESENTATIVES GLIDEWELL, MEDLEY, WALTERS, & BLAIR

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE CITY OF FORT SMITH, ARKANSAS FOR CAROL ANN CROSS PARK; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 285
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS HIGGINBOTHOM, BAKER, BRYLES, LUKER, & TRUSTY
BY: REPRESENTATIVES KENNEY & LAMOUREUX

A Bill for an Act to be Entitled: AN ACT TO CREATE CENTERS OF EXCELLENCE AT COLLEGES AND UNIVERSITIES IN ARKANSAS TO IMPROVE THE STATE'S ABILITY TO COMPETE IN THE KNOWLEDGE-BASED ECONOMY; AND FOR OTHER PURPOSES.

Senate Bill No. 285 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

SENATE BILL NO. 286
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS BAKER, HIGGINBOTHOM, & TRUSTY
BY: REPRESENTATIVES KEY, ANDERSON, & MACK

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT CONTRIBUTIONS TO THE ARKANSAS TAX-DEFERRED TUITION SAVINGS PROGRAM ARE DEDUCTIBLE FROM ARKANSAS INCOME TAX; AND FOR OTHER PURPOSES.

Senate Bill No. 286 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 287
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CAPPS
BY: REPRESENTATIVE SAUNDERS

A Bill for an Act to be Entitled: AN ACT TO STRENGTHEN THE CONNECTION BETWEEN THE MISSION AND SCOPE OF ARKANSAS' INSTITUTIONS OF HIGHER EDUCATION AND THE ECONOMIC GOALS OF THE STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 287 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

SENATE BILL NO. 288
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BRYLES
BY: REPRESENTATIVE PACE

A Bill for an Act to be Entitled: AN ACT TO IMPROVE RETENTION AND GRADUATION RATES AT PUBLIC COLLEGES AND UNIVERSITIES; AND FOR OTHER PURPOSES.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

SENATE BILL NO. 43, BY SENATOR FARIS,
SENATE BILL NO. 44, BY SENATOR FARIS,
SENATE BILL NO. 64, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 192, BY SENATOR BROADWAY,
SENATE BILL NO. 230, BY SENATOR B. JOHNSON,

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

HOUSE BILL NO. 1024, BY REPRESENTATIVE THYER,

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

SENATE BILL NO. 289
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BRYLES

A Bill for an Act to be Entitled: AN ACT TO RECOGNIZE THE EVENT IN ONE SMALL ARKANSAS TOWN THAT RESULTED IN THE HISTORY OF TWIST, ARKANSAS FOREVER BEING ENTANGLED WITH THE LEGENDARY B.B. KING AND HIS FAMOUS GUITAR "LUCILLE"; TO REQUIRE THE ARKANSAS HISTORY COMMISSION TO ERECT A PERMANENT MARKER AT TWIST; AND FOR OTHER PURPOSES.

Senate Bill No. 289 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 70
SENATE BILL NO. 72
SENATE BILL NO. 126

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

February 3, 2005

Mr. President:

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

- SENATE BILL NO. 38, BY SENATOR MALONE, et. al,
- SENATE BILL NO. 70, BY SENATORS LUKER, HILL, GLOVER,
- SENATE BILL NO. 72, BY MADISON,
- SENATE BILL NO. 126, BY SENATOR TAYLOR, et al,

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 3:00 p.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

- SENATE BILL NO. 38
- SENATE BILL NO. 70
- SENATE BILL NO. 72
- SENATE BILL NO. 126

RECEIVED the above papers from the Secretary of the Senate this 3rd day of February, 2003 at 3:00 p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

HOUSE BILL NO. 1119
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ADAMS
BY: SENATOR HOLT

A Bill for an Act to be Entitled: *AN ACT TO PROTECT THE CHILDREN WHO ARE MOST VULNERABLE BY CLARIFYING THE PUBLIC POLICY OF THE STATE OF ARKANSAS REGARDING THE PLACEMENT OF CHILDREN WITH AN ADOPTIVE OR FOSTER PARENT; AND FOR OTHER PURPOSES.*

House Bill No. 1119 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1205
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT TO REQUIRE COMMERCIAL DRIVERS THAT TRANSPORT HAZARDOUS MATERIALS TO UNDERGO A CRIMINAL BACKGROUND CHECK AND EVALUATION FROM THE TRANSPORTATION SECURITY ADMINISTRATION TO ESTABLISH THAT THE DRIVER IS NOT A SECURITY RISK; AND FOR OTHER PURPOSES.

House Bill No. 1205 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1209
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE THOMASON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE DISCLOSURES BY SELLERS OF HEALTH-RELATED CASH DISCOUNT CARDS; TO PROVIDE A CANCELLATION PERIOD FOR THE PURCHASE OF HEALTH-RELATED DISCOUNT CARDS; AND FOR OTHER PURPOSES.

House Bill No. 1209 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. 1216
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES MALOCH & D. EVANS
BY: SENATORS HORN & G. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO PERMIT THE RELOCATION OF BRANCH BANKS WITHIN THE IMMEDIATE NEIGHBORHOOD OF EXISTING BRANCHES; AND FOR OTHER PURPOSES.

House Bill No. 1216 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1233
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SULLIVAN

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE PUBLIC EMPLOYEES' SOCIAL SECURITY LAWS; AND FOR OTHER PURPOSES.

House Bill No. 1233 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1287
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES PYLE, OVERBEY, MEDLEY, & SAMPLE

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE ORGANIZATION OF CITY COUNCILS; AND FOR OTHER PURPOSES.

House Bill No. 1287 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1297
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE CHILDERS

A Bill for an Act to be Entitled: AN ACT TO AMEND § 23-15-211 TO MODIFY THE CIVIL PENALTIES FOR VIOLATIONS OF § 23-15-209 OR THE ARKANSAS GAS PIPELINE CODE; AND FOR OTHER PURPOSES.

House Bill No. 1297 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1308
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW REGARDING YOUTH SERVICES; TO CLARIFY THE PROCESS FOR JUVENILE COMMITMENT; AND FOR OTHER PURPOSES.

House Bill No. 1308 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1309
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 8-7-805 CONCERNING THE LICENSING REQUIREMENT FOR INSTALLERS AND TESTERS OF UNDERGROUND STORAGE TANKS; TO PROVIDE FOR ALTERNATIVE FORMS OF FINANCIAL ASSURANCE; AND FOR OTHER PURPOSES.

House Bill No. 1309 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. 1323
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES EDWARDS, PRITCHARD, & L. SMITH
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT CONCERNING THE OPENING, PROCESSING, CANVASSING, AND COUNTING OF ABSENTEE BALLOTS; AND FOR OTHER PURPOSES.

House Bill No. 1323 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE CONCURRENT RESOLUTION NO. 1006

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

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

HOUSE CONCURRENT RESOLUTION TO ENCOURAGE ALL STATE AGENCIES, BOARDS, AND COMMISSIONS THAT REGULATE OCCUPATIONS AND PROFESSIONS TO EXTEND LENIENCY TO LICENSE HOLDERS, CERTIFICATE HOLDERS, AND REGISTRANTS WHO ARE ACTIVATED MEMBERS OF THE ARKANSAS NATIONAL GUARD AND RESERVES.

House Concurrent Resolution No. 1006 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

(SIGNED) ANN CORNWELL, SECRETARY

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SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 109

SENATE BILL NO. 146

SENATE BILL NO. 168

SENATE BILL NO. 208

SENATE BILL NO. 233

SENATE CONCURRENT MEMORIAL RESOLUTION TRANSMITTED

TO THE HOUSE AS ADOPTED

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 2

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 70

SENATE BILL NO. 72

SENATE BILL NO. 126

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1068

HOUSE BILL NO. 1077

HOUSE BILL NO. 1154

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1119

HOUSE BILL NO. 1205

HOUSE BILL NO. 1209

HOUSE BILL NO. 1216

HOUSE BILL NO. 1233

HOUSE BILL NO. 1287

HOUSE BILL NO. 1297

HOUSE BILL NO. 1308

HOUSE BILL NO. 1309

HOUSE BILL NO. 1323

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1006

On motion of Senator Hill, the Senate adjourned until 1:30 p.m., Monday,
February 7, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE