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

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Little Rock, Arkansas

January 12, 2005

The Senate was called to order at 1:00 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, 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.

Leave was requested for Senator Capps.

The Senate was led in prayer by Reverend Betsy Singleton, Quapaw Quarters United Methodist Church, Little Rock, AR.

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

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

On motion of Senator Faris, **Senate Bill No. 43** was withdrawn from Public Health, Welfare and Labor for second reading for Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 43**

Amend **Senate Bill No. 43** as originally introduced by Senator Faris:

Add Representative Bradford as a co-sponsor of the Bill.

(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. 43** was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 44** was withdrawn from the Committee on Public Health, Welfare and Labor, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
 EIGHTY-FIFTH GENERAL ASSEMBLY  
 REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 44

Amend **Senate Bill No. 44** as originally introduced:

Add Representative Bradford as a co-sponsor of the bill.

(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. 44** was ordered engrossed.

ARKANSAS SENATE  
 EIGHTY-FIFTH GENERAL ASSEMBLY  
 REGULAR SESSION

January 12, 2005

Mr. President:

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

**SENATE BILL NO. 43**, BY SENATOR FARIS,

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 Faris, **Senate Bill No. 43** was ordered re-referred to the Committee on Public Health, Welfare and Labor.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

January 12, 2005

Mr. President:

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

**SENATE BILL NO. 44**, BY SENATOR FARIS,  
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 Faris **Senate Bill No. 44** was ordered re-referred to the Committee on Public Health, Welfare and Labor.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

January 12, 2005

Mr. President:

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

**SENATE BILL NO. 22**, BY JOINT BUDGET COMMITTEE  
beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,  
(SIGNED) SENATOR DAVID BISBEE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

January 12, 2005

Mr. President:

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

**SENATE BILL NO. 23**, BY JOINT BUDGET COMMITTEE

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

Respectfully submitted,  
(SIGNED) SENATOR DAVID BISBEE, CHAIRMAN

On motion of Senator Hill, **Senate Concurrent Resolution No. 2** was called up for third reading.

**SENATE CONCURRENT RESOLUTION NO. 2**  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR BROADWAY

SENATE CONCURRENT RESOLUTION PROVIDING THAT THE SENATE RECESS AT CLOSE OF BUSINESS ON THURSDAY, JANUARY 13, 2005, AND RECONVENE ON TUESDAY, JANUARY 18, 2005.

**Senate Concurrent Resolution No. 2** was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Concurrent Resolution No. 2** was ordered transmitted to the House.

On motion of Senator Hill, **House Bill No. 1001** was called up for third reading.

**HOUSE BILL NO. 1001  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES STOVALL, LEDBETTER**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR NECESSARY EXPENSES, PAY EXPENSES OF MEMBERS, PAY SALARIES OF EMPLOYEES, PAY FOR SUPPLIES AND EQUIPMENT FOR THE ARKANSAS HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL ASSEMBLY FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

**House Bill No. 1001** 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, 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 .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

Necessary to the passage of the bill .....27

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. 1001**, 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, 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 .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1001** was ordered returned to the House as passed.

The President declared the morning hour to have expired.

On motion of Senator Broadway, the Senate resolved itself into the Committee of the Whole for the purpose of School Facilities Report.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

Senate Concurrent Resolution No. 1 was returned from the House as passed and ordered enrolled.

Senate Bill No. 1 was returned from the House as passed and ordered enrolled.

SENATE BILL NO. 53  
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 PAY APPROVED CLAIMS AGAINST THE STATE FOR THE ARKANSAS STATE CLAIMS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 53 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 54  
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 CAPITOL ZONING DISTRICT COMMISSION FOR THE BIENNIAL PERIOD ENDING 30, 2007; AND OTHER PURPOSES.

Senate Bill No. 54 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 55  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 55 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 56  
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 JUDICIAL DISCIPLINE AND DISABILITY COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 56 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET

SENATE BILL NO. 57  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 57 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET

SENATE BILL NO. 58  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 58 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 59  
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 LIQUEFIED PETROLEUM GAS BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

**Senate Bill No. 59** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 60  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

**Senate Bill No. 60** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 61  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 61 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 62  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 62 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 63  
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 STATE BOARD OF OPTOMETRY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Senate Bill No. 63 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 64  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS J. JEFFRESS & FARIS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE REDETERMINATION OF BENEFITS UNDER THE ARKANSAS JUDICIAL RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 64 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 65  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS J. JEFFRESS & FARIS

A Bill for an Act to be Entitled: AN ACT TO AMEND ELIGIBILITY REQUIREMENTS FOR AN INCREASE IN BENEFITS FOR MEMBERS OF THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 65 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 66  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HENDREN

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE PROCEDURE FOR UPDATING THE VEHICLE INSURANCE DATABASE; TO ESTABLISH A PROCEDURE FOR THE REVOCATION AND RETIREMENT OF REGISTRATION OF A MOTOR VEHICLE DUE TO LACK OF LIABILITY INSURANCE FOR THREE (3) CONSECUTIVE MONTHS; AND FOR OTHER PURPOSES.

Senate Bill No. 66 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

Randy Lavery  
Senator 2nd District  
P.O. Box 303  
Jasper, Arkansas 72641

January 12, 2005

Ms. Ann Cornwell  
Secretary of the Arkansas Senate  
State Capitol Building, Room 320  
Little Rock, AR 72201

Dear Ann:

This Letter is to be filed with the Secretary of the Arkansas Senate for the 85th General Assembly and placed in the Senate Journal to be made part of the public record under direction of Senate Rule 24.

I am presently employed as Executive Director for the Developmental Disabilities Providers Association and work as a Management Consultant for the Area Agencies on Aging of Arkansas, a non-profit association.

Because the Senate will conduct hearings and engage in debate over topics that have a direct and indirect relationship to these associations, I desire that this disclosure be made part of the record of the 85th General Assembly and open for public inspection and public scrutiny.

Cc: Mr. Ken Dick  
Joint Budget Committee

(Signed): Randy Lavery

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

January 12, 2005

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 1

BY: SENATE RULES, RESOLUTIONS AND MEMORIALS

SENATE BILL NO. 1, BY SENATE EFFICIENCY COMMITTEE

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 3:20 P.M. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 1

SENATE CONCURRENT RESOLUTION NO. 1

RECEIVED the above papers from the Secretary of the Senate this 12th day of January, 2005 at 3:20 P. M.

(SIGNED) MIKE HUCKABEE  
Governor

(SIGNED) Cory Cox  
Secretary

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SENATE JOINT RESOLUTION TRANSMITTED  
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION 2

HOUSE BILLS RETURNED TO THE HOUSE  
AS PASSED

HOUSE BILL 1001

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED

SENATE BILL 1

SENATE CONCURRENT RESOLUTION RETURNED FROM THE HOUSE  
AS CONCURRED IN

SENATE CONCURRENT RESOLUTION 1

On motion of Senator Hill, the Senate adjourned until 10:30 a. m., Thursday, January 13, 2005.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE