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

Little Rock, Arkansas

March 17, 2005

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

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

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

The Senate was led in prayer by Reverend Travis Frank, Saint Andrews
Episcopal Church, Marianna, 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On motion of Senator Malone, **Senate Bill No. 919** was withdrawn from the Committee on PUBLIC TRANSPORTATION, and placed back on second reading for purpose of Amendment No. 1.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. 919

Amend **Senate Bill No. 919** as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 23-112-315 is repealed.

~~23-112-315. Motor vehicle dealer documentary fees—Disclosures.~~

~~(a) A motor vehicle dealer may charge a documentary fee for services rendered to, for, or on behalf of a purchaser in preparing, handling, and processing documents relating to, and closing a retail installment transaction involving, a new motor vehicle.~~

~~(b) If a documentary fee is charged under this section, the fee must be:~~

~~(1) Charged to all purchasers, cash buyers, and credit buyers; and~~

~~(2) Disclosed on the buyer's order form as a separate itemized charge.~~

~~(c) A preliminary work sheet on which a sale price is computed and that is shown to the purchaser, a buyers' order form from the purchaser, or a retail installment contract shall include in reasonable proximity to the place on the document where the documentary fee is disclosed:~~

~~(1) The amount of the fee; and~~

~~(2) The following notice in type that is bold-faced, capitalized, or underlined or otherwise conspicuously set out from the surrounding written material: "A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATING TO THE CLOSING OF A SALE. THIS NOTICE IS REQUIRED BY LAW."~~

~~(d) The Arkansas Motor Vehicle Commission is authorized to promulgate rules and regulations to set a reasonable limit on the amount to be charged for a documentary fee under subsection (a) of this section and to implement, enforce, and administer this section.~~

SECTION 2. Arkansas Code § 23-112-612 is repealed.

~~23-112-612. Used motor vehicle dealer documentary fees—Disclosures.~~

~~(a) A used motor vehicle dealer may charge a documentary fee for services rendered to, for, or on behalf of a purchaser in preparing, handling, and processing documents relating to, and closing a retail installment transaction involving, a motor vehicle.~~

~~(b) If a documentary fee is charged under this section, the fee must be:~~

~~(1) Charged to all purchasers, cash buyers, and credit buyers; and~~

~~(2) Disclosed on the buyers' order form as a separate itemized charge.~~

~~(c) A preliminary work sheet on which a sale price is computed and that is shown to the purchaser, a buyers' order form from the purchaser, or a retail installment contract shall include in reasonable proximity to the place on the document where the documentary fee is disclosed:~~

~~(1) The amount of the fee; and
 (2) The following notice in type that is bold-faced, capitalized, or underlined or otherwise conspicuously set out from the surrounding written material:
 "A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATING TO THE CLOSING OF A SALE. THIS NOTICE IS REQUIRED BY LAW."
 (d) The Department of Arkansas State Police is authorized to promulgate rules and regulations to implement, enforce, and administer this section."~~

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 919 was ordered engrossed.

On motion of Senator Wilkinson, **Senate Bill No. 1194** 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. 1194**

Amend **Senate Bill No. 1194** as originally introduced:

Page 1, line 11, delete "PSYCHOLOGICAL" and substitute "NEUROPSYCHOLOGICAL"

AND

Page 1, line 17, delete "PSYCHOLOGICAL" and substitute "NEUROPSYCHOLOGICAL"

AND

Page 9 and 10, delete Section 10, and substitute the following:

"SECTION 10. Arkansas Code § 17-97-305 is amended to read as follows:
 17-97-305. Issuance.

(a) License to Practice Psychology. The Arkansas Psychology Board shall be the sole agency empowered to examine candidates concerning competence in the practice of psychology and to grant license for the practice of psychology at the

appropriate level. The license shall be signed by the Chair of the Arkansas Psychology Board and attested by the Secretary of the Arkansas Psychology Board under the seal of the board, whereupon a proper license shall be issued in accordance with this chapter.

(b) Provisional License.

(1) The board shall issue a provisional license to an applicant who has:

- (A) Passed the ~~examinations~~ credentials review prescribed by the board;
- (B) Satisfied the preliminary requirements of §§ 17-97-302 and 17-97-303, and 17-97-313; and

(C) Paid the fee for a provisional license.

(2) A provisional license holder is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under this section.

(3) The board shall adopt rules that apply to provisional license holders identifying:

- (A) The activities that holders may engage in; and
- (B) Services that may be provided by holders.

(4) The board may refuse to renew the provisional license of a person who does not meet the requirements prescribed by § 17-97-303.

(c) Provisional License Application.

(1) An applicant ~~for examination~~ for a provisional license must:

- (A) Apply on forms prescribed by the board; and
- (B) Submit the required fees with the application.

(2) The board may require that the applicant verify the application.

(d) Provisional License ~~Examination~~ Review Qualifications.

(1) An applicant may ~~take an examination~~ have his or her credentials reviewed for a provisional license if the applicant:

- (A) Has received:
 - (i) A doctoral or master's degree in psychology from a regionally accredited educational institution; or
 - (ii) A doctoral degree in psychology or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training from a regionally accredited educational institution;
- (B) Has attained the age of majority;
- (C) Has good moral character;
- (D) Is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the board;
- (E) Is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;
- (F) Has not been convicted of a crime involving moral turpitude or a felony;
- (G) Does not use drugs or alcohol to an extent that affects the applicant's professional competency;
- (H) Has not engaged in fraud or deceit in making the application; and
- (I) Has not:
 - (i) Aided or abetted the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;
 - (ii) Represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or
 - (iii) Practiced psychology in this state without a license under this chapter or without being exempt under this chapter.

(2) In determining under § 17-97-302(b)(1)(B) whether a degree is substantially equivalent to a doctoral degree in psychology, the board shall consider whether at the time the degree was conferred the doctoral program met the prevailing standards for training in the area of psychology, ~~including standards for training the clinical, school, and industrial counseling.~~"

AND

Page 13, line 34, delete "§ 17-97-314(f)" and substitute "§ 17-97-312(f)"

AND

Page 14, line 2, delete "psychological" and substitute "neuropsychological"

AND

Page 14, delete lines 4 through 6, and substitute:

"(a) Any person wishing to obtain the right to be employed as a neuropsychological assessment technician who has not been certified to be employed as a neuropsychological assessment technician before the effective date of this"

AND

Page 14, on line 9, delete "psychological" and substitute "neuropsychological"

AND

Page 14, on line 10, delete "psychological" and substitute "neuropsychological"

AND

Page 14, on line 18, delete "psychological" and substitute "neuropsychological"

AND

Page 14, on line 31, delete "§ 17-97-314(f)" and substitute "§ 17-97-312(f)"

AND

Page 14, on line 33, delete "Arkansas Psychology board" and substitute "Arkansas Psychology Board"

Page 14, delete lines 34 through 36, and substitute:

"(c)(1)(A) A neuropsychological assessment technician may be employed by a licensed psychologist with neuropsychological privileges as indicated by the technician's statement of intent and approved by the Arkansas Psychology Board.

(B) A neuropsychological assessment technician's duties shall be restricted to administration and scoring only in the assessment of neuropsychological function and research."

AND

Page 15, on line 1, delete "psychological" and substitute "neuropsychological"

AND

Page 15, on line 7, delete "psychological" and substitute "neuropsychological"

AND

Page 15, on line 14, delete "psychological" and substitute "neuropsychological"

AND

Page 15, on line 16, delete "psychological" and substitute "neuropsychological"

AND

Page 15, on line 18, delete "psychological" and substitute "neuropsychological"

AND

Page 15, delete line 21, and substitute:

"no evidence of unethical practice by the licensed psychologist.

(f) A person employed as a neuropsychological assessment technician prior to the effective date of this section:

(1) May continue to perform his or her duties which shall be limited to neuropsychological test administration and scoring;

(2) Shall register with the board; and

(3) Shall meet the requirements of this section except for the education requirements described in subdivisions (b)(2) and (3) of this section."

(SIGNED) SENATOR ED WILKINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1194 was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 1092** was withdrawn from the Committee on EDUCATION, 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. 1092

Amend **Senate Bill No. 1092** as originally introduced:

Add Senators Broadway and Horn as cosponsors of the bill

AND

Add Representatives Walters and Glidewell as cosponsors of the bill

(SIGNED) SENATOR DENNY ALTES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1092 was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 1093** was withdrawn from the Committee on EDUCATION, 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. 1093

Amend **Senate Bill No. 1093** as originally introduced:

Add Senators Broadway and Horn as cosponsors of the bill

AND

Add Representatives Walters and Glidewell as cosponsors of the bill

AND

Page 2, line 2, delete "Facilities" and substitute "Facilities and Transportation"

(SIGNED) SENATOR DENNY ALTES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1093 was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 1095** was withdrawn from the Committee on EDUCATION, 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. 1095

Amend **Senate Bill No. 1095** as originally introduced:

Add Senators Broadway and Horn as cosponsors of the bill

AND

Add Representatives Walters and Glidewell as cosponsors of the bill

AND

Page 3, line 19, delete "Facilities." and substitute "Facilities and Transportation."

AND

Page 5, line 8, delete "Facilities" and substitute "Facilities and Transportation"

(SIGNED) SENATOR DENNY ALTES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1095 was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 1151** 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. 1151

Amend **Senate Bill No. 1151** as originally introduced:

Page 1, delete lines 22 through 36 and substitute the following:

“(a)(1)~~(A)~~ At his or her option, a lienholder may:

- (i) Record the lien on the manufacturer's statement of origin; ~~or~~
 - (ii) Record the lien on an existing certificate of title; ~~and~~
 - or
 - ~~(B)~~(iii) File with the Revenue Division of the Department of Finance and Administration a certified copy of the instrument creating and evidencing the lien or encumbrance.
- (2) He or she shall remit therewith a fee of one dollar (\$1.00) for each lien to be filed.
- (3) The recording ~~and~~ or filing shall constitute constructive notice of the lien against the vehicle described therein to creditors of the owner, subsequent purchasers, and encumbrancers, except those liens as are by law dependent upon possession.
- (4) A photocopy of the manufacturer's statement of origin or of”

AND

Page 2, delete lines 1 though 3 and substitute the following:

“such existing certificate of title or of ownership, showing the lien recorded thereon and certified as a true and correct copy by the party recording the lien, shall be sufficient evidence of the recording.”

(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. 1151 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 938** was withdrawn from the Committee on EDUCATION, 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. 938

Amend **Senate Bill No. 938** as originally introduced:

Page 8, line 34, delete "student assistance grant program" and substitute "student financial aid programs"

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 938 was ordered engrossed.

On motion of Senator Broadway, [Senate Bill No. 468](#) was withdrawn from the Committee on EDUCATION, 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. 468

Amend [Senate Bill No. 468](#) as originally introduced:

Page 1, delete line 32 through 36 entirely, and substitute the following:

~~"(2) "Approved private institution" means a nonprofit two-year or four-year degree-granting institution of postsecondary education or an institution dedicated to educational purposes and located in Arkansas that offers completion of an occupational training program as defined by the federal government and that:~~

~~(A) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;~~

~~(B) Restricts the use of public funds to educational programs with a secular purpose;~~

~~(C) Provides a collegiate-level course of instruction for a minimum of two (2) years leading to or directly creditable toward an associate or baccalaureate degree or provides a course that leads to completion of an occupational training program;~~

~~(D) Is accredited by an accrediting agency certified and recognized by the United States Department of Education or the division of agency evaluation and institutional accreditation or is a school giving satisfactory assurance that it has the potential for accreditation and is making progress that if continued will result in its achieving accreditation;~~

~~(E) Does not discriminate in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968 and executive orders issued pursuant to them; and~~

~~(F)(vii) Subscribes to the principle of academic freedom;~~

~~(3)(2) "Approved public institution" means a two-year or four-year degree-granting institution of postsecondary education or an institution dedicated to educational purposes and located in Arkansas that offers completion of an occupational training program as defined by the federal government and that:~~

~~(A) Is directly controlled or administered by a public agency or political subdivision;~~

~~(B) Receives appropriations directly or indirectly from the General Assembly for operating expenses;~~

~~(C) Provides a collegiate-level course for a minimum of two (2) years leading to or directly creditable toward an associate or baccalaureate degree or provides a course that leads to completion of an occupational training program;~~

~~(D) Is accredited by an accrediting agency certified and recognized by the United States Department of Education or the Division of Agency Evaluation and Institutional Accreditation or is a school giving satisfactory assurance that it has the potential for accreditation and is making progress that if continued will result in its achieving accreditation;~~

~~(E) Does not discriminate in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968 and executive orders issued pursuant to them; and~~

~~(F) Subscribes to the principle of academic freedom;~~

(1) "Approved institution" means a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds or any nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV Federal student aid programs."

AND

Page 2, delete lines 1 through 36 entirely

AND

Page 3, delete lines 1 through 21 entirely

AND

Page 3, line 22, delete "(4)(3)" and substitute "(4)(2)"

AND

Page 3, line 24, delete "(5)(4)" and substitute "(5)(3)"

AND

Page 3, line 25, delete "(6)(5)" and substitute "(6)(4)"

AND

Page 3, line 30, delete "(7)(6)" and substitute "(7)(5)"

AND

Page 4, line 2, delete "(8)(7)" and substitute "(8)(6)"

AND

Page 4, line 9, delete "(9)(8)" and substitute "(9)(7)"

AND

Page 4, line 11, delete "~~(10)~~(9)" and substitute "~~(10)~~(8)"

AND

Page 4, line 15, delete "~~(11)~~(10)" and substitute "~~(11)~~(9)"

AND

Page 4, line 17, delete "~~(12)~~(11)" and substitute "~~(12)~~(10)"

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 468 was ordered engrossed.

On motion of Senator Laverty, **Senate Bill No. 391** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 7.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 7 to SENATE BILL NO. 391

Amend **Senate Bill No. 391** as engrossed, S3/15/05:

Page 2, line 3, delete "consolidated or annexed" and substitute "consolidated, annexed, or received an annexed school"

AND

Page 3, delete line 7, and substitute:
"subsection (b) of this section and meeting the requirements of § 6-20-601 and both isolated schools were annexed under Act 60 of the Second Extraordinary Session of the Eighty-Fourth General Assembly;"

AND

Page 3, delete lines 24 through 30 and substitute:
"than five hundred (500) students; and

(2) A density ratio of two (2) students or less per square mile."

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 391 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 873** 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. 873

Amend **Senate Bill No. 873** as originally introduced:

Page 1, line 11, delete "THE CITY OF WEST" and substitute "CITIES IN WASHINGTON COUNTY"

AND

Page 1, line 12, delete "FORK"

AND

Page 1, line 18, delete "THE CITY OF WEST" and substitute "CITIES IN WASHINGTON COUNTY"

AND

Page 1, line 19, delete "FORK"

AND

Page 1, line 24, delete "THE CITY OF WEST FORK" and substitute "CITIES IN WASHINGTON COUNTY"

AND

Page 1, line 28, delete "and"

AND

Insert additional subsections immediately following subsection (A) in SECTION 1 to read as follows:

" (B) For park improvements or library improvements for the City of Greenland, Arkansas, the sum of\$50,000.

(C) For park improvements or library improvements for the City of Elkins, Arkansas, the sum of\$50,000.

(D) For park improvements or library improvements for the City of Farmington, Arkansas, the sum of.....\$50,000."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 873 was ordered engrossed.

On motion of Senator Malone, **Senate Bill No. 1030** 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. 1030

Amend **Senate Bill No. 1030** as originally introduced:

Page 1, delete the title and substitute:

"AN ACT TO CREATE THE ARKANSAS LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED CHILDREN; TO PROVIDE FOR THE APPOINTMENT OF ITS MEMBERS; TO DESCRIBE ITS MISSION AND RESPONSIBILITIES; AND FOR OTHER PURPOSES."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 10, Chapter 3 is amended to add an additional subchapter to read as follows:

10-3-2201. Title.

This subchapter shall be known and may be cited as the "Arkansas Legislative Task Force on Abused and Neglected Children Act".

10-3-2202. Creation.

(a) There is created the Arkansas Legislative Task Force on Abused and Neglected Children.

(b) The task force shall consist of the following members:

(1) The Governor or the Governor's designee;

(2) A member of the House Interim Committee on Public Health, Welfare, and Labor to be appointed by the Speaker of the House of Representatives;

(3) A member of the Senate Interim Committee on Public Health, Welfare, and Labor to be appointed by the President Pro Tempore of the Senate;

(4) The Chair of the Senate Interim Committee on Children and Youth or the chair's designee;

(5) The Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs or the chair's designee;

(6) The Director of the Division of Children and Family Services of the Department of Human Services or the director's designee;

(7) The Director of the Division of Mental Health Services of the Department of Human Services or the director's designee;

(8) The Director of the Division of Youth Services of the Department of Human Services or the director's designee;

(9) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or the director's designee;

(10) The Director of the Administrative Office of the Courts or the director's designee;

- (11) The Chair of the Arkansas Coalition for Juvenile Justice or the chair's designee;
- (12) A sheriff to be appointed by the President of the Arkansas Sheriffs' Association;
- (13) The Director of the Department of Arkansas State Police or the director's designee;
- (14) The Chair of the State Child Abuse and Neglect Prevention Board or the chair's designee;
- (15) One (1) member of the Arkansas Child Abuse/Rape/Domestic Violence Commission to be appointed by the Chancellor of the University of Arkansas for Medical Sciences;
- (16) A public defender who regularly appears in the juvenile division of a circuit court in the State of Arkansas to be appointed by the Director of the Arkansas Public Defender Commission;
- (17) A prosecutor who regularly appears in the juvenile division of a circuit court in the State of Arkansas appointed by the Prosecutor Coordinator;
- (18) An attorney ad litem appointed by the Director of the Administrative Office of the Courts;
- (19) A physician with special knowledge and experience in the treatment of children who have been abused or neglected;
- (20) The Chief of Staff of Arkansas Children's Hospital or his or her designee;
- (21) Two (2) members to be appointed by the President Pro Tempore of the Senate with specialized knowledge, skills, or experience in the area of child welfare or the prevention of child abuse and neglect;
- (22) Two (2) members to be appointed by the Speaker of the House of Representatives with specialized knowledge, skills, or experience in the area of child welfare or the prevention of child abuse and neglect;
- (23) The Executive Director of the Arkansas Code Revision Commission or the director's designee; and
- (24) The Director of the Bureau of Legislative Research or the director's designee.

(c)(1) The Chair of the Senate Interim Committee on Children and Youth or the chair's designee shall call the first meeting within thirty (30) days of the effective date of this act and shall serve as chair at the first meeting.

(2) At the first meeting, the members of the task force shall elect from its membership a chair and other officers as needed for the transaction of its business.

(3)(A) The task force shall conduct its meetings in Pulaski County at the State Capitol.

(B) Meetings shall be held at least one (1) time every three (3) months but may occur more often at the call of the chair.

(d) If any vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

(e) The task force shall establish rules and procedures for conducting its business.

(f) Members of the task force shall serve without compensation, but may receive expense reimbursement according to § 25-16-902.

(g) A majority of the members of the task force shall constitute a quorum for transacting any business of the task force.

(h) The Bureau of Legislative Research shall provide staff for the task force.

10-3-2203. Duties.

The Arkansas Legislative Task Force on Abused and Neglected Children shall:

(1) Examine how the State of Arkansas responds to child abuse and neglect with a focus on the following main areas using a child-centered approach:

- (A) Reporting, investigating, and multidisciplinary cooperation;
- (B) Legal advocacy for children in courts;
- (C) Foster care and adoption;
- (D) Training and workforce needs;
- (E) Criminal justice and public safety;
- (F) Neglect and family support; and
- (G) Accountability;

(2) Determine the best practices to prevent child abuse and neglect and to improve child welfare by conducting national research or by using other methods;

(3) Recommend more efficient methods of distributing and spending limited public moneys to prevent child abuse and neglect and to improve child welfare;

(4) Recommend how to obtain more federal funds to prevent child abuse and neglect and to improve child welfare;

(5) Recommend to the General Assembly specific changes to the law that will improve child safety and welfare in the State of Arkansas in the form of bill drafts; and

(6) Provide the legislature with a written explanation of the recommended legislative changes."

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1030 was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 1195** 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. 1195

Amend **Senate Bill No. 1195** as engrossed, S3/16/05:

Add Representative J. Johnson as a cosponsor of the bill

AND

Page 2, line 26 delete “(2)(A)(i)” and substitute “(2)(A)”

AND

Page 2, line 29 delete “(ii)” and substitute “(B)”

AND

Page 2, line 32 delete “(iii)” and substitute “(C)”

AND

Page 2, delete lines 34 through 36

AND

Page 3, delete lines 1 through 7

AND

Page 3, delete lines 15 and 16 and substitute the following:

“(2)(A) No member may serve on the board for more than two (2) full terms or more than twelve (12) years.

“(B) However, this subdivision (c)(2) shall not cut short a term for which a member is serving on the effective date of this subdivision (c)(2).

AND

Page 3, delete lines 19 through 21 and substitute the following:
“membership of the Arkansas State Medical Board, is amended to add additional subsections to read as follows:

“(g) Physicians appointed to the board shall:

(1) Remain in active practice for the full term of the appointment; or

(2) Resign if, with more than one (1) year remaining on the appointed term, the physician:

(A) Is no longer actively practicing as a physician; or
(B) Moves his or her business or residence out of the district
from which he or she was appointed.

(h)(1) Members of the board may be removed from the office by the”

(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. 1195 was ordered engrossed.

On motion of Senator J. Jeffress, Senate Bill No. 1104 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. 1104

Amend Senate Bill No. 1104 as originally introduced:

Delete the Title and substitute the following:
 “AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED OFFENSES;
 CONCERNING ANIMAL MANAGEMENT PRACTICES; AND FOR OTHER
 PURPOSES.”

AND

Delete the Subtitle and substitute the following:
 “AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED OFFENSES
 AND CONCERNING ANIMAL MANAGEMENT PRACTICES.”

AND

Delete Sections 2, 3, and 4 of the bill and substitute the following:

“SECTION 2. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended to add additional sections to read as follows:

5-62-102. Aggravated cruelty to a dog, cat, or horse.

(a) A person commits the offense of aggravated cruelty to a dog, cat, or horse if he or she knowingly and intentionally tortures, mutilates, maims, burns, poisons, or starves any dog, cat, or horse.

(b)(l) Aggravated cruelty to a dog, cat, or horse is a Class A misdemeanor.

(2) Any person who pleads guilty or nolo contendere to or is found guilty of violating subsection (a) of this section for a second or subsequent offense for conduct which occurred within the five (5) years preceding the commission of the second or subsequent offense is guilty of a Class D felony.

(c)(1) In addition to all other penalties provided by law, the court may order any person who pleads guilty or nolo contendere to or is found guilty of violating subsection (a) or (b) of this section to receive a psychiatric or psychological evaluation, and if determined appropriate, psychiatric or psychological counseling or treatment.

(2) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the defendant up to the jurisdictional limit of the court.

(d) If the person pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or horse, the court may assign custody of the abused animal or animals to a society which is incorporated for the prevention of cruelty to animals.

5-62-103. Exemptions.

(a) Nothing in this subchapter shall be construed to prohibit the following conduct:

(1) Protecting livestock and poultry as authorized by § 20-19-102; or

(2) Engaging in practices lawful under the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.

(b)(1) Nothing in this subchapter shall be construed to prohibit a pet breeder, his or her consignees, or his or her employees from performing routine accepted management practices on animals belonging to the pet breeder and produced for commerce.

(2) Routine accepted management practices include, but are not limited to, the following:

(A) Removal of dew claws and tail docking, if performed within seven (7) days of birth;

(B) Beyond seven (7) days of age, removal of dew claws and tail docking if performed by or under the supervision of a veterinarian; and

(C) Ear cropping performed by or under the supervision of a veterinarian.

5-62-104. Animal research excluded.

This subchapter does not apply to research and education facilities:

(1) Regulated under the provisions of:

(A) The Animal Welfare Act, 7 U.S.C. 2131 et seq., as it existed on January 1, 2005; or

(B) The Health Research Extension Act of 1985, Pub. L. No. 32 99-158; or

(2) That have an institutional animal care and use committee that reviews and approves research or maintenance protocols involving animals in the facility.

SECTION 3. Arkansas Code § 5-62-110(a)(1), concerning the definition of animal, is amended to read as follows:

(1) “Animal” or “dumb animal” includes every living creature means a domesticated living creature or wild living creature under the care or control of any person when the care or control is outside the scope of activities regulated by the Arkansas State Game and Fish Commission;

SECTION 4. Arkansas Code § 5-62-112 is amended to read as follows:
5-62-112. Search warrant.

(a) Upon complaint under oath or affirmation to any magistrate or judge authorized to issue warrants in criminal cases that the complainant has any just and reasonable cause to suspect that any of the provisions of law relating to or in anywise affecting animals are being, or about to be, violated in any particular building or place, the magistrate or judge shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses authorizing him to enter and search such building or place and to arrest any person there present found violating any of the laws and to bring that person before the nearest magistrate of competent jurisdiction, to be dealt with according to law a properly certified agent of a society incorporated for the prevention of cruelty to animals.

(b) The warrant issued shall authorize:

(1) Entry into and search of the building or place;

(2) Arrest of any person there present found violating any of the laws;

and

(3) Bringing that person before the nearest magistrate or judge of a court of competent jurisdiction, to be dealt with according to law.

(c) When serving a warrant issued pursuant to this section, the agent shall be accompanied by a certified law enforcement officer having jurisdiction, and the search warrant shall be served by the certified law enforcement officer.

(d) When any arrest is made in conjunction with the service of a warrant issued pursuant to this section, the arrest shall be made by the certified law enforcement officer who has accompanied the agent.

SECTION 5. Arkansas Code § 5-62-113 is amended to read as follows:
5-62-113. Authority to make arrests Agents of society – Training.

(a) The agents An agent of any society which is incorporated for the prevention of cruelty to animals, upon being appointed by the president of the society in any county of this state, and upon proper certification as required by this section may within the county, make arrests and bring before any court or magistrate having jurisdiction, any offenders person found violating the provisions of this act § 5-62-101, et seq.

(b)(1) The Arkansas Law Enforcement Training Academy shall promulgate rules and regulations concerning the proper training and certification of the agent described in subsection (a) of this section.

(2) Training requirements shall include a minimum of:

(A) Twenty (20) hours of basic animal health and animal husbandry; and

(B) Twenty (20) hours of legal training, to include, but not be limited to:

(i) Laws on search and seizure;

(ii) Warrants; and

(iii) Report writing.

(3) The costs of obtaining training and certification shall be paid by the agent or society seeking to obtain the certification.

(4) The requirement for certification shall become effective on July 1, 2006.

SECTION 6. Arkansas Code § 5-62-114 is amended to read as follows:

5-62-114. Authority to take charge of animals and vehicles of arrested person.

When any person arrested by a law enforcement officer is, at the time of arrest, in charge of any vehicle drawn by or containing any animal, ~~any agent of a society for the prevention of cruelty to animals~~ the law enforcement officer may take charge of the animal and the vehicle and its contents and deposit them in a safe place of custody, or deliver them into the possession of the police or sheriff of the county or place wherein the arrest was made, ~~who~~ or a society that is incorporated for the prevention of cruelty to animals that shall thereupon assume the custody thereof.

SECTION 6. Arkansas Code § 20-19-102(a)(1), concerning injuries to domesticated animals by dogs, is amended to read as follows:

(a)(1) "Domesticated animals" includes, but is not limited to, sheep, goats, horses, cattle, swine, and poultry."

(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. 1104 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 1005** 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. 1005

Amend **Senate Bill No. 1005** as originally introduced:

Page 1, line 27, delete "July 1, 2005" and substitute "January 1, 2007"

AND

Page 1, delete lines 30 through 34

AND

Page 1, line 35 delete "(3)(A)" and substitute "(2)(A)"

AND

Page 2, line 8, delete "(4)" and substitute "(3)"

AND

Page 2, line 14, delete "(5)" and substitute "(4)"

AND

Page 2, line 24, delete "appointment" and substitute "election"

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1005 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 391, BY SENATORS LAVERTY, ET AL,
SENATE BILL NO. 468, BY SENATOR BROADWAY,
SENATE BILL NO. 938, BY SENATOR BROADWAY,
SENATE BILL NO. 1092, BY SENATOR ALTES,
SENATE BILL NO. 1093, BY SENATOR ALTES,
SENATE BILL NO. 1095, BY SENATOR ALTES,

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 Laverty, [Senate Bill No. 391](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, [Senate Bill No. 468](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, [Senate Bill No. 938](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Altes, [Senate Bill No. 1092](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Altes, [Senate Bill No. 1093](#) was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Altes, [Senate Bill No. 1095](#) was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 873, BY SENATOR MADISON,

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 Madison, **Senate Bill No. 873** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 919, BY SENATOR MALONE,
SENATE BILL NO. 1151, 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 Malone, **Senate Bill No. 919** was ordered re-referred to the Committee on PUBLIC TRANSPORTATION.

On motion of Senator Faris, **Senate Bill No. 1151** was ordered re-referred to the Committee on PUBLIC TRANSPORTATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 1005, BY SENATOR BROADWAY,
SENATE BILL NO. 1104, 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 Broadway, **Senate Bill No. 1005** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator J. Jeffress, **Senate Bill No. 1104** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 1030, BY SENATOR MALONE,
SENATE BILL NO. 1194, BY SENATOR WILKINSON,
SENATE BILL NO. 1195, 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 Malone, **Senate Bill No. 1030** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Wilkinson, **Senate Bill No. 1194** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Faris, **Senate Bill No. 1195** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

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

March 17, 2005

Mr. President:

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

**HOUSE CONCURRENT RESOLUTION NO. 1026,
BY REPRESENTATIVE D. JOHNSON,**

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

Respectfully submitted,
(SIGNED) SENATOR STEVE HIGGINBOTHOM, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 1690, BY REPRESENTATIVE COWLING,
HOUSE BILL NO. 2407, BY REPRESENTATIVE GOSS,
HOUSE BILL NO. 2465, BY REPRESENTATIVE DANGEAU,
HOUSE BILL NO. 2690, BY REPRESENTATIVE DANGEAU,

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 HIGGINBOTHOM, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 2410, BY REPRESENTATIVE HARRIS,

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 (mgf462).

Respectfully submitted,
(SIGNED) SENATOR STEVE HIGGINBOTHOM, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 925, 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 as Amended No. 2.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 2897, BY REPRESENTATIVE L. SMITH,

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

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 2087, BY REPRESENTATIVE ADAMS,

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, having receded from Amendment No. 1.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 1813, BY REPRESENTATIVE MAHONY,
HOUSE BILL NO. 2049, BY REPRESENTATIVE JEFFREY,
HOUSE BILL NO. 2947, BY REPRESENTATIVE J. MARTIN,

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

March 17, 2005

Mr. President:

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

SENATE BILL NO. 1098, BY SENATOR WOMACK,

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 (kac748).

Respectfully submitted,
(SIGNED) SENATOR PAUL MILLER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 1781, BY REPRESENTATIVE BERRY,

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, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

We, your Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS, to whom was referred:

SENATE BILL NO. 598, BY SENATOR HIGGINBOTHOM,

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 concurred in House Amendment No. 1.

Respectfully submitted,
(SIGNED) SENATOR JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

We, your Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS, to whom was referred:

SENATE BILL NO. 1167, BY SENATOR CAPPS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass rescinded from Amendment No. 1 and adopted second Amendment No. 2.

Respectfully submitted,
(SIGNED) SENATOR JOHN PAUL CAPPS, CHAIRMAN

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

MIKE HUCKABEE
Governor

March 16, 2005

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on March 15, 2005, I approved the following measure:

Senate Bill No. 95, which is now Act 871 of 2005,
Senate Bill No. 334, which is now Act 872 of 2005,
Senate Bill No. 425, which is now Act 873 of 2005,
Senate Bill No. 442, which is now Act 874 of 2005,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

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

MIKE HUCKABEE
Governor

March 16, 2005

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on March 16, 2005, I approved the following measure:

Senate Bill No. 5, which is now Act 887 of 2005,
Senate Bill No. 255, which is now Act 888 of 2005,
Senate Bill No. 274, which is now Act 889 of 2005,
Senate Bill No. 283, which is now Act 890 of 2005,
Senate Bill No. 317, which is now Act 891 of 2005,
Senate Bill No. 379, which is now Act 892 of 2005,
Senate Bill No. 394, which is now Act 893 of 2005,
Senate Bill No. 396, which is now Act 894 of 2005,
Senate Bill No. 397, which is now Act 895 of 2005,
Senate Bill No. 420, which is now Act 896 of 2005,
Senate Bill No. 423, which is now Act 897 of 2005,
Senate Bill No. 426, which is now Act 898 of 2005,
Senate Bill No. 429, which is now Act 899 of 2005,
Senate Bill No. 433, which is now Act 900 of 2005,
Senate Bill No. 440, which is now Act 901 of 2005,
Senate Bill No. 512, which is now Act 902 of 2005,
Senate Bill No. 514, which is now Act 903 of 2005,
Senate Bill No. 521, which is now Act 904 of 2005,
Senate Bill No. 557, which is now Act 905 of 2005,
Senate Bill No. 963, which is now Act 906 of 2005,

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 116, BY SENATOR J. BOOKOUT, ET. AL.,
SENATE BILL NO. 124, BY SENATORS J. JEFFRESS, FARIS,
SENATE BILL NO. 241, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 648, BY SENATOR BROADWAY,
SENATE BILL NO. 652, BY SENATOR BROADWAY,
SENATE BILL NO. 654, BY SENATOR BROADWAY,
SENATE BILL NO. 797, BY SENATOR CRITCHER,
SENATE BILL NO. 829, BY SENATOR LUKER,
SENATE BILL NO. 830, BY SENATOR LUKER,
SENATE BILL NO. 831, BY SENATOR LUKER,
SENATE BILL NO. 832, BY SENATOR LUKER,
SENATE BILL NO. 834, BY SENATOR LUKER,
SENATE BILL NO. 862, BY SENATOR CRITCHER,
SENATE BILL NO. 863, BY SENATOR CRITCHER,
SENATE BILL NO. 864, BY SENATOR CRITCHER,
SENATE BILL NO. 865, BY SENATOR CRITCHER,
SENATE BILL NO. 866, BY SENATOR G. JEFFRESS,
SENATE BILL NO. 867, BY SENATOR BRYLES,
SENATE BILL NO. 868, BY SENATOR BRYLES,
SENATE BILL NO. 869, BY SENATOR SALMON,
SENATE BILL NO. 870, BY SENATOR SALMON,
SENATE BILL NO. 871, BY SENATOR SALMON,
SENATE BILL NO. 886, BY SENATOR SALMON,
SENATE BILL NO. 891, BY SENATOR SALMON,
SENATE BILL NO. 892, BY SENATOR SALMON,

SENATE BILL NO. 910, BY SENATOR CRITCHER,
SENATE BILL NO. 917, BY SENATOR CRITCHER,

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 12:48 p.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPAS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

- SENATE BILL NO. 116
- SENATE BILL NO. 124
- SENATE BILL NO. 241
- SENATE BILL NO. 648
- SENATE BILL NO. 652
- SENATE BILL NO. 654
- SENATE BILL NO. 797
- SENATE BILL NO. 829
- SENATE BILL NO. 830
- SENATE BILL NO. 831
- SENATE BILL NO. 832
- SENATE BILL NO. 834
- SENATE BILL NO. 862
- SENATE BILL NO. 863
- SENATE BILL NO. 864
- SENATE BILL NO. 865
- SENATE BILL NO. 866
- SENATE BILL NO. 867
- SENATE BILL NO. 868
- SENATE BILL NO. 869
- SENATE BILL NO. 870
- SENATE BILL NO. 871
- SENATE BILL NO. 886

SENATE BILL NO. 891

SENATE BILL NO. 892

SENATE BILL NO. 910

SENATE BILL NO. 917

RECEIVED the above papers from the Secretary of the Senate this 17th day of March, 2005 at 12:48 p.m. .

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

On motion of Senator Faris, **Senate Concurrent Resolution No. 14** is called for 3rd reading and final disposition.

SENATE CONCURRENT RESOLUTION NO. 14
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS

SENATE CONCURRENT RESOLUTION HONORING THE CAREER OF ORLEN WILEY UPON HIS RETIREMENT.

Senate Concurrent Resolution No. 14 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 14 was ordered immediately transmitted to the House.

On motion of Senator Faris, [Senate Concurrent Resolution No. 15](#) is called for 3rd reading and final disposition.

[SENATE CONCURRENT RESOLUTION NO. 15](#)
[EIGHTY-FIFTH GENERAL ASSEMBLY](#)
[REGULAR SESSION](#)
[BY: SENATOR FARIS](#)

SENATE CONCURRENT RESOLUTION HONORING THE CAREER OF JAMES QUICK UPON HIS RETIREMENT.

[Senate Concurrent Resolution No. 15](#) was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Concurrent Resolution No. 15](#) was ordered immediately transmitted to the House.

On motion of Senator Steele, [Senate Resolution No. 12](#) 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 RESOLUTION NO. 12](#)

Amend [Senate Resolution No. 12](#) as originally introduced:
Add Senators Hill, G. Jeffress, Holt, Womack, and Trusty as cosponsors

(SIGNED) SENATOR TRACY STEELE

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 12](#) was ordered engrossed.

On motion of Senator Faris, **Senate Memorial Resolution No. 2** was called up for third reading and final disposition.

SENATE MEMORIAL RESOLUTION NO. 2
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS

SENATE MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF MR. DANIEL KEMP NALL AND IN RECOGNITION OF HIS CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Holt, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing Mr. Leon Zulpo.

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

On motion of Senator Holt, **Senate Concurrent Resolution No. 17** was called up for third reading and final disposition.

SENATE CONCURRENT RESOLUTION NO. 17
As Engrossed: S3/15/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HOLT
BY: REPRESENTATIVE KENNEY

SENATE CONCURRENT RESOLUTION COMMENDING MR. LEON ZULPO FOR HIS YEARS OF SERVICE TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

Senate Concurrent Resolution No. 17 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 17 was ordered immediately transmitted to the House.

On motion of Senator Horn, **House Concurrent Resolution No. 1028** was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1028
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES M. MARTIN & ELLIOTT

HOUSE CONCURRENT RESOLUTION ENCOURAGING THE MEMBERS OF THE ARKANSAS CONGRESSIONAL DELEGATION TO SUPPORT HR 596 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO ESTABLISH A NATIONAL CORD BLOOD STEM CELL BANK NETWORK TO PREPARE, STORE, AND DISTRIBUTE HUMAN UMBILICAL CORD BLOOD STEM CELLS FOR THE TREATMENT OF PATIENTS AND TO SUPPORT PEER-REVIEWED RESEARCH USING THE CELLS.

House Concurrent Resolution No. 1028 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1028 was ordered immediately returned to the House as concurred in.

On motion of Senator Bookout, **Senate Bill No. 300** was 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. 300

Amend **Senate Bill No. 300** as engrossed, S2/22/05:

Delete the title entirely and substitute:

"AN ACT TO LIMIT PUBLIC COLLEGE AND UNIVERSITY EXPENDITURES FOR ACADEMIC, MERIT, AND PERFORMANCE SCHOLARSHIPS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle entirely and substitute:

"AN ACT TO LIMIT PUBLIC COLLEGE AND UNIVERSITY EXPENDITURES FOR ACADEMIC, MERIT, AND PERFORMANCE SCHOLARSHIPS."

AND

Page 2, delete line 7, and substitute:

"(b) Beginning with the 2006-2007 fiscal year, each public college and public"

AND

Page 2, line 9, delete "thirty-three percent (33%)" and substitute "thirty percent (30%)"

AND

Page 2, delete lines 11 through 21 entirely

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR JERRY BOOKOUT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 300 was ordered engrossed.

On motion of Senator Wooldridge, **Senate Bill No. 942** was 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. 942

Amend **Senate Bill No. 942** as engrossed, S3/14/05:
Page 4, line 6, delete "(c)" and substitute "(d)"

(SIGNED) SENATOR TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 942 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 931** was 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. 931

Amend **Senate Bill No. 931** as engrossed, S3/15/05:
Page 1, delete line 27 and substitute the following:
“(A) Any ~~intentional~~ purposeful and unnecessary physical act
which”

AND

Page 1, delete line 30 and substitute the following:
“(B) Any ~~intentional~~ purposeful or demeaning act which that a”

AND

Page 1, delete lines 34 and 35 and substitute the following:

“(C) Any purposeful threat that a reasonable person would find credible and non-frivolous to inflict pain on or cause injury to an endangered or impaired person except in the course of medical treatment or for justifiable cause; or”

AND

Page 2, delete line 1 and substitute the following:
“care facility by a caregiver, any ~~willful~~ purposeful infliction of injury, unreasonable”

AND

Page 3, delete line 32 and substitute the following:

“(B) Intentional acts Purposeful acts or omissions by a”

AND

Page 4, delete line 7 and substitute the following:

“(D)(iv) Failing Negligently failing to provide goods and services”

AND

Page 4, delete lines 12 through 16 and substitute the following:

“(11)(A)(12) ”Physical injury” means the impairment of a physical condition or the infliction of substantial pain.

~~“(B) Where the person is an endangered or impaired adult, there shall be a presumption that any physical abuse resulted in the infliction of substantial pain;”~~

AND

Page 6, delete line 20 and substitute the following:

“five hundred dollars (\$2,500), but more than ~~two hundred dollars (\$200)~~ five hundred dollars (\$500) shall”

AND

Page 6, delete lines 25 and 26 and substitute the following:

“where the value of the property, assets, or resources is ~~two hundred dollars (\$200)~~ five hundred dollars (\$500) or less shall be guilty of a Class A misdemeanor.”

AND

Page 6, delete lines 34 through 36 and substitute the following:

“at any proceedings regarding adult abuse, sexual abuse, or neglect maltreatment of an endangered or impaired adult person, or the cause thereof of the adult maltreatment.”

AND

Page 11, delete lines 1 and 2 and substitute the following:

“make a report immediately to the appropriate coroner is guilty of a Class C misdemeanor.”

AND

Page 11, delete lines 4 through 6 and substitute the following:

“facility resident maltreatment who knowingly fails to make a report within twenty-four (24) hours or on the next business day, whichever is earlier, is guilty of a Class C misdemeanor.”

(SIGNED) SENATOR MARY A. SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 931 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 932** was 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. 932

Amend **Senate Bill No. 932** as engrossed, S3/15/05:

Page 2, delete lines 5 and 6 and substitute the following:

“(C) Any intentional threat that a reasonable person would find credible and non-frivolous to inflict pain on or cause injury to an endangered or impaired person except in the course of medical treatment or for justifiable cause; or”

AND

Page 3, delete line 33 and substitute the following:

“(B) An act or omission by a caregiver”

AND

Page 4, delete line 8 and substitute the following:

“(iv) Negligently failing to provide to an adult resident of a”

(SIGNED) SENATOR MARY A. SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 932 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 945** was 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. 945

Amend **Senate Bill No. 945** as engrossed, S3/15/05:

Page 2, delete lines 12 and 13 and substitute the following:

“(C) Any intentional threat that a reasonable person would find credible and non-frivolous to inflict pain on or cause injury to an endangered or impaired person except in the course of medical treatment or for justifiable cause; or”

AND

Page 4, delete line 6 and substitute the following:

“(B) Acts or omissions by a caregiver”

AND

Page 4, delete line 17 and substitute the following:

“(iv) Negligently failing to provide goods or services to a”

AND

Page 8, delete line 33 and substitute the following:

“(2) Whenever a person is required to report under this”

AND

Page 9, delete lines 1 through 7 and substitute the following:

“agency, or that person’s designated agent, who shall then become responsible for making a report or cause a report to be made within twenty-four (24) hours or on the next business day, whichever is earlier.”

(SIGNED) SENATOR MARY A. SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 945 was ordered engrossed.

On motion of Senator Horn, **Senate Bill No. 1088** 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. 1088

Amend **Senate Bill No. 1088** as originally introduced:

Page 2, line 5 delete “(3)(A)” and substitute “(3)”

AND

Page 2, line 9 delete “setting.” and substitute “setting:”

AND

Page 2, delete lines 10 through 12

AND

Page 4, delete line 7 and substitute the following:
“be by certified mail.”

(e) This subchapter does not limit the department or any entity with which it contracts in the exercise and application of professional medical judgment in determining when and under what circumstances care is a medically necessity.”

(SIGNED) SENATOR BARBARA HORN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1088 was ordered engrossed.

On motion of Senator Bookout, **House Bill No. 2105** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 2105

Amend **House Bill No. 2105** as engrossed, S3/15/05:

Page 2, delete lines 27 through 29 and substitute the following:

"(5) Technicians currently employed by psychologists who do not have this academic background shall be provided with specific information to supplement their training in neuropsychological test administration, with all future technicians employed by psychologists being required to meet the academic background as specified in this section."

AND

Page 7, line 2, delete "neuropsychologist" and substitute "psychologist"

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2105 was ordered engrossed.

On motion of Senator Womack, **House Bill No. 1470** was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to HOUSE BILL NO. 1470

Amend **House Bill No. 1470** as engrossed, S3/3/05:

Page 1, delete lines 33 through 36 and substitute the following:

"(c) The Department of Health may, only for purposes of research and aggregate statistical reporting, provide data to the Arkansas Center for Health Improvement and the Agency for Healthcare Research and Quality for its Healthcare Cost and Utilization Project. The data shall be treated in a manner consistent with all state and federal privacy requirements, including, without limitation, the federal HIPAA Privacy Rule, specifically 45 C.F.R. § 164.512(i). Further, any identifiable data provided, collected, or disseminated under subsection (c) of this section shall not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq.

(d) It shall be unlawful for the Arkansas Center for Health Improvement to release any patient identifying information to any nongovernmental third party."

AND

Page 2, delete lines 1 through 6

(SIGNED) SENATOR SHAWN WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1470 was ordered engrossed.

On motion of Senator Glover, **House Bill No. 2449** 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. 2449

Amend **House Bill No. 2449** as engrossed, H3/9/05:

Page 3, beginning on line 14 and ending on line 15, delete "of the audit report." and substitute "to the board."

AND

Page 3, delete lines 25 and 26 and substitute the following:
"(B) A statement of revenues, expenditures, and changes in fund balances;"

AND

Page 3, delete line 32 and substitute the following:
"schedule of capital assets, including land, buildings, and equipment.

(4) The State Board of Education shall promulgate the rules necessary to administer the regulatory basis of presentation provided in this subsection (c)."

AND

Page 3, delete lines 35 and 36 and substitute the following:
"of a school may require its annual"

AND

Page 4, delete lines 4 through 6 and substitute the following:
"the United States Government Accountability Office, if applicable."

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2449 was ordered engrossed.

On motion of Senator Luker, **Senate Bill No. 336** 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. 336

Amend **Senate Bill No. 336** as originally introduced:

Page 5, delete lines 20 and 21 and substitute:

"(11) the subject-matter jurisdiction of a court for commencing a proceeding as provided in § 28-73-203."

AND

Page 10, delete lines 5 through 15.

(SIGNED) REPRESENTATIVE BRUCE MALOCH

Amendment No. 1 to Senate Bill No. 336, 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 Luker, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Luker, **Senate Bill No. 336** was called up for third reading and final disposition.

SENATE BILL NO. 336
As Engrossed: H3/10/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LUKER
BY: REPRESENTATIVES MALOCH & BOND

A Bill for an Act to be Entitled: AN ACT TO ADOPT THE ARKANSAS TRUST CODE; AND FOR OTHER PURPOSES.

Senate Bill No. 336 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. 336 was ordered enrolled.

On motion of Senator Hill, **Senate Bill No. 208** 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. 208

Amend **Senate Bill No. 208** as originally introduced:
Add Representative Sullivan as a cosponsor

(SIGNED) REPRESENTATIVE SCOTT SULLIVAN

Amendment No. 1 to Senate Bill No. 208, 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 Hill, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

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

SENATE BILL NO. 208
As Engrossed: H2/9/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL
BY: REPRESENTATIVE SULLIVAN

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, 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. 208 was ordered enrolled.

On motion of Senator Laverty, **Senate Bill No. 947** was placed back on second reading for purpose of Amendment No. 1 and No. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 947

Amend **Senate Bill No. 947** as originally introduced:

Page 4, line 12 delete "other"

AND

Page 5, line 7 delete "mechanic" and substitute "contractor"

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 947

Amend **Senate Bill No. 947** as originally introduced:

Page 2, line 24, delete "dumbwaiter," and substitute "~~dumbwaiter,~~"

AND

Page 4, delete lines 2 through 9 and substitute the following:

"(C)(i) Submit with his or her application for a license or renewal of a license proof of an insurance policy:

(a) Issued by an insurance company authorized to do business in Arkansas; and

(b) Providing general liability coverage for at least one million dollars (\$1,000,000) for injury or death of a person and five hundred thousand dollars (\$500,000) for property damage.

(ii) The provision for liability insurance required by subdivision (a)(2)(C)(i) of this section shall not apply to elevator inspectors employed by the Department of Labor; and

AND

Page 5, line 7 delete "mechanic" and substitute "contractor"

AND

Page 7, line 4 add a new section to read as follows:

"SECTION 5. Arkansas Code Title 20, Chapter 24, Subchapter 1 is amended to add an additional section to read as follows:

20-24-120. Exemption.

Conveyances installed in private single-family dwellings shall be exempt from the testing and inspection requirements of § 20-24-112 and the permitting requirements of §§ 20-24-115 and 20-24-116."

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 947 was ordered engrossed.

On motion of Senator Laverty, **House Bill No. 1970** 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. 1970

Amend **House Bill No. 1970** as engrossed, H3/9/05:

Add Senator Laverty as a cosponsor of the bill

(SIGNED) SENATOR RANDY LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1970 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Wooldridge, **Senate Bill No. 563** was called up for third reading and final disposition.

**SENATE BILL NO. 563
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WOOLDRIDGE**

A Bill for an Act to be Entitled: AN ACT TO IMPROVE THE INVESTIGATION OF REPORTS OF CHILD MALTREATMENT THAT ARE ASSIGNED TO THE CRIMES AGAINST CHILDREN DIVISION OF THE DEPARTMENT OF ARKANSAS STATE POLICE; AND FOR OTHER PURPOSES.

Senate Bill No. 563 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. 563 was ordered immediately transmitted to the House as passed.

On motion of Senator Madison, **Senate Bill No. 1013** was called up for third reading and final disposition.

SENATE BILL NO. 1013
As Engrossed: S3/16/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MADISON, BISBEE, J. TAYLOR, & HOLT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE IDENTITY OF THE ANNEXING MUNICIPALITY WHEN AN UNINCORPORATED AREA IS SURROUNDED BY TWO (2) OR MORE MUNICIPALITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 1013 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, 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.

Total34

NEGATIVE: Altes.

Total1

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. 1013 was ordered immediately transmitted to the House as passed.

On motion of Senator Madison, **Senate Bill No. 961** was called up for third reading and final disposition.

SENATE BILL NO. 961
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVE EDWARDS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT THE LEVY OF THE ADDITIONAL FINE AUTHORIZED BY ARKANSAS CODE § 16-17-129 MAY BE IMPOSED FOR EACH OFFENSE INVOLVED IN THE CASE OF A DEFENDANT; AND FOR OTHER PURPOSES.

Senate Bill No. 961 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. 961**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 961 was ordered immediately transmitted to the House.

On motion of Senator Madison, **Senate Bill No. 1022** was called up for third reading and final disposition.

**SENATE BILL NO. 1022
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE DIAGNOSTIC LABORATORY SERVICES OF THE DIVISION OF AGRICULTURE OF THE UNIVERSITY OF ARKANSAS; AND FOR OTHER PURPOSES.

Senate Bill No. 1022 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. 1022 was ordered immediately transmitted to the House as passed.

On motion of Senator Baker, **Senate Bill No. 1137** was called up for third reading and final disposition.

**SENATE BILL NO. 1137
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BAKER
BY: REPRESENTATIVE MALOCH**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY TO ISSUE STATE OF ARKANSAS HIGHER EDUCATION GENERAL OBLIGATION BONDS FOR TECHNOLOGY AND FACILITY IMPROVEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION; TO REFUND CERTAIN OUTSTANDING BONDS; TO PROVIDE FOR A STATEWIDE ELECTION ON THE ISSUANCE OF BONDS; AND FOR OTHER PURPOSES.

Senate Bill No. 1137 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

There being an emergency clause attached to **Senate Bill No. 1137**, 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. 1137 was ordered immediately transmitted to the House.

On motion of Senator Malone, **Senate Bill No. 958** was called up for third reading and final disposition.

**SENATE BILL NO. 958
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALONE**

A Bill for an Act to be Entitled: AN ACT TO REDUCE THE AGE THRESHOLD OF VICTIMS OF THE OFFENSE OF SEXUAL INDECENCY WITH A CHILD; TO EXPAND THE OFFENSE OF SEXUAL INDECENCY WITH A CHILD TO INCLUDE CAUSING A CHILD TO EXPOSE SEX ORGANS; AND FOR OTHER PURPOSES.

Senate Bill No. 958 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, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total34

NEGATIVE: Lavery.

Total1

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 958 was ordered immediately transmitted to the House as passed.

STATE OF ARKANSAS
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
LITTLE ROCK, ARKANSAS 72201

March 17, 2005

The Honorable Ann Cornwell
Secretary of Senate
Senate Fiscal Officer
State Capitol Building
Little Rock, Arkansas 72201

Dear Ann:

The purpose of this letter is to change my vote from Yes to No on Senate Bill 958. Because of visiting with constituents out of chamber, I was unintentionally role call voted Yes and I wish to enter No into the Journal.

Warmest Regards,

(SIGNED) TIM WOOLDRIDGE
Arkansas Senate

On motion of Senator Malone, **Senate Bill No. 959** was called up for third reading and final disposition.

**SENATE BILL NO. 959
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALONE**

A Bill for an Act to be Entitled: AN ACT TO REMOVE THE ENHANCED PENALTY PROVISIONS CONCERNING INDECENT EXPOSURE; AND FOR OTHER PURPOSES.

Senate Bill No. 959 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, Bookout, Broadway, Brown, Capps, Faris, Glover, Hendren, Higginbotham, G. Jeffress, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Mr. President.

Total21

NEGATIVE: Trusty, Womack.

Total2

ABSENT OR NOT VOTING: Bisbee, Bryles, Critcher, Hill, Holt, Horn, B. Johnson, Laverty, Whitaker, Wilkins, Wilkinson, Wooldridge.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....23

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. 959 was ordered immediately transmitted to the House as passed.

On motion of Senator Horn, **Senate Bill No. 1150** was called up for third reading and final disposition.

**SENATE BILL NO. 1150
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HORN
BY: REPRESENTATIVE COOPER**

A Bill for an Act to be Entitled: AN ACT TO LIMIT PROFESSIONAL DEVELOPMENT REQUIREMENTS FOR CERTIFIED PERSONNEL WORKING SOLELY IN ADULT EDUCATION PROGRAMS; AND FOR OTHER PURPOSES.

Senate Bill No. 1150 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. 1150**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1150 was ordered immediately transmitted to the House.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Madison, **Senate Bill No. 528** was called up for third reading and final disposition.

SENATE BILL NO. 528
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON
BY: REPRESENTATIVE ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO ALLOW WITHHOLDING OF UNION DUES FOR MUNICIPAL EMPLOYEES; TO REQUIRE MUNICIPAL GOVERNMENTS TO COMPLY WITH AN EMPLOYEE'S REQUEST FOR WITHHOLDING OF UNION DUES; AND FOR OTHER PURPOSES.

Senate Bill No. 528 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: Broadway, Brown, Capps, Critcher, Faris, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, T. Smith, Wilkinson, Wooldridge, Mr. President.

Total18

NEGATIVE: Altes, Baker, Glover, Hendren, Salmon, Taylor, Trusty, Whitaker.

Total8

ABSENT OR NOT VOTING: Bisbee, Bookout, Bryles, Higginbothom, Holt, Miller, Steele, Wilkins, Womack.

Total9

VOTING PRESENT:

Total0

Total number of votes cast26

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Taylor requested a Sounding of the Ballot Passed of **Senate Bill No. 528**. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

Total number of votes cast	25
Necessary to the passage of the Bill	24
Total number voting in the affirmative	17
Total number voting in the negative	8
Total number absent or not voting	10

Upon sounding of the ballot, the bill failed, striking Senator Critcher.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which **Senate Bill No. 528** failed was expunged, in accordance with a prevailing motion on March 17, 2005.

Senator Madison moved that the record pertaining to the vote by which **Senate Bill No. 528** passed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Faris, **Senate Bill No. 205** was called up for third reading and final disposition.

SENATE BILL NO. 205
As Engrossed: S2/2/05 S2/24/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS FARIS, LAVERTY, & HILL

A Bill for an Act to be Entitled: *AN ACT TO ESTABLISH THAT THE TIME LIMIT FOR FILING APPLICATIONS FOR EXECUTIVE CLEMENCY BEGINS RUNNING ON THE DATE OF FILING OF THE APPLICATION RATHER THAN THE DATE OF DENIAL OF THE APPLICATION; TO ALLOW THE POST PRISON TRANSFER BOARD TO WAIVE THE WAITING PERIOD UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.*

Senate Bill No. 205 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

Senate Bill No. 205 was ordered immediately transmitted to the House as passed.

On motion of Senator Broadway, **Senate Bill No. 590** was called up for third reading and final disposition.

SENATE BILL NO. 590

As Engrossed: S3/8/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS BROADWAY & BISBEE

BY: REPRESENTATIVES MAHONY & ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION; TO CREATE THE COMMISSION ON PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION; AND FOR OTHER PURPOSES.

Senate Bill No. 590 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 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 **Senate Bill No. 590**, 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. 590 was ordered immediately transmitted to the House.

On motion of Senator Broadway, **Senate Bill No. 591** was called up for third reading and final disposition.

SENATE BILL NO. 591
As Engrossed: S3/8/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS BROADWAY & BISBEE
BY: REPRESENTATIVES MAHONY & ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ACADEMIC FACILITIES OVERSIGHT COMMITTEE; TO CREATE THE ADVISORY COMMITTEE ON PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 591 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

There being an emergency clause attached to **Senate Bill No. 591**, 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. 591 was ordered immediately transmitted to the House.

On motion of Senator Broadway, **Senate Bill No. 592** was called up for third reading and final disposition.

SENATE BILL NO. 592
As Engrossed: S3/8/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS BROADWAY & BISBEE
BY: REPRESENTATIVES JACKSON, BOLIN, MAHONY, & ELLIOTT

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE DISTANCE LEARNING COORDINATING COUNCIL; AND FOR OTHER PURPOSES.

Senate Bill No. 592 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 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 **Senate Bill No. 592**, 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. 592 was ordered immediately transmitted to the House.

On motion of Senator Broadway, **Senate Bill No. 593** was called up for third reading and final disposition.

SENATE BILL NO. 593
As Engrossed: S3/8/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS BROADWAY & BISBEE
BY: REPRESENTATIVES MAHONY & ELLIOTT

A Bill for an Act to be Entitled: ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM ACT.

Senate Bill No. 593 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, 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.

Total34

NEGATIVE: Holt.

Total1

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

There being an emergency clause attached to **Senate Bill No. 593**, 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, 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.

Total34

NEGATIVE: Holt.

Total1

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. 593 was ordered immediately transmitted to the House.

On motion of Senator Broadway, **Senate Bill No. 858** was called up for third reading and final disposition.

SENATE BILL NO. 858
As Engrossed: S3/7/05 S3/15/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT CONCERNING THE USE OF PUBLIC-PUBLIC PARTNERSHIPS BY SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Senate Bill No. 858 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, Glover, Higginbothom, Hill, Holt, Horn, G. Jeffress, B. Johnson, Laverty, Madison, Malone, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Mr. President.

Total24

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bryles, Critcher, Faris, Hendren, J. Jeffress, Luker, Miller, Wilkins, Wilkinson, Womack, Wooldridge.

Total11

VOTING PRESENT:

Total0

Total number of votes cast24

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. 858 was ordered immediately transmitted to the House as passed.

On motion of Senator Bisbee, **House Bill No. 1097** was ordered re-referred to the Committee on JONT BUDGET.

On motion of Senator Bisbee, **Senate Bill No. 453** 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. 453

Amend **Senate Bill No. 453** as originally introduced:

Delete Sections 3, 4, 5 and 6 of the bill in their entirety and substitute the following new sections:

"SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for personal services, operating expenses and grants of the Department of Higher Education for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 2,239,472	\$ 2,299,543
(02) EXTRA HELP	25,000	25,000
(03) PERSONAL SERVICES MATCHING	573,025	584,252
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	531,191	531,191
(B) CONF. & TRAVEL	30,000	30,000
(C) PROF. FEES	25,000	25,000
(D) CAP. OUTLAY	13,000	13,000
(E) DATA PROC.	0	0
(05) YOUTH OPPORTUNITIES UNLIMITED GRANTS/AIDS	<u>75,000</u>	<u>75,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,511,688</u>	<u>\$ 3,582,986</u>

SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for providing student assistance grants and various scholarships as provided by law by the Department of Higher Education for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) NATIONAL GUARD TUITION ASSISTANCE PROGRAM	\$ 500,000	\$ 500,000
(02) JR/SR MINORITY TEACHER SCHOLARSHIPS	500,000	500,000
(03) MINORITY MASTERS FELLOWS	80,000	80,000
(04) SECOND EFFORT SCHOLARSHIPS	20,000	20,000
(05) SREB MINORITY DOCTORAL SCHOLARS	200,000	200,000
(06) TUITION ADJUSTMENT	350,000	350,000
(07) EMERGENCY SECONDARY EDUCATION LOANS	81,717	81,717
(08) TARGETED TEACHER DEVELOPMENT PROGRAM	1,500,000	1,500,000
(09) AR ACADEMIC CHALLENGE SCHOLARSHIPS	30,174,734	30,174,734
(10) ARKANSAS GOVERNOR'S SCHOLARS	4,877,508	4,877,508
(11) STUDENT ASSISTANCE GRANTS	3,210,345	3,210,345
(12) STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP PROGRAM (SURF)	152,050	153,987
(13) TEACHER/ADMINISTRATOR GRANTS	179,544	179,544
(14) WORKFORCE IMPROVEMENT GRANTS	500,000	500,000
(15) AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIPS	200,000	200,000
(16) DEPENDENTS OF LAW ENFORCEMENT OFFICERS, ETC SCHOLARSHIPS	120,000	120,000
(17) DEPENDENTS OF POWS, MIAS, KIAS-TUITION WAIVER SCHOLARSHIPS	15,000	15,000
(18) FACULTY/ADMINISTRATOR DEVELOPMENT FELLOWS MATCHING	30,000	30,000
TOTAL AMOUNT APPROPRIATED	<u>\$ 42,690,898</u>	<u>\$ 42,692,835</u>

SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for grants-in-aid of the Department of Higher Education - State Scholarship - Federal Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) GRANTS AND AID-STATE SCHOLARSHIPS-FEDERAL	<u>\$ 520,000</u>	<u>\$ 520,000</u>

SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Higher Education - Technical Education - Federal Programs for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 145,442	\$ 149,304
(02) PERSONAL SERVICES MATCHING	35,504	36,242
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	85,711	85,711
(B) CONF. & TRAVEL	19,000	19,000
(C) PROF. FEES	73,717	73,717
(D) CAP. OUTLAY	0	0

(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 359,374</u>	<u>\$ 363,974</u>

SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses and grants-in-aid of the Department of Higher Education - Improving Teacher Quality Program for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 26,856	\$ 26,856
(B) CONF. & TRAVEL	13,000	13,000
(C) PROF. FEES	8,000	8,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>	<u>1,517,402</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,565,258</u>	<u>\$ 1,565,258</u>

SECTION 8. APPROPRIATION - HIGHER EDUCATION BUILDING MAINTENANCE. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Building Maintenance Fund, for maintenance of various buildings at the Institutions of Higher Education by the Department of Higher Education for the biennial period ending June 30, 2007, the sum of\$1,800,000.

SECTION 9. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Research Development Fund, for providing Arkansas Research Development Program Grants to Institutions of Higher Education by the Department of Higher Education for the biennial period ending June 30, 2007, the sum of.....\$2,000,000.

SECTION 10. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for payments of the contracts with participating out-of-state institutions of higher learning in the fields of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and podiatry for the education of Arkansas citizens by the Department of Higher Education for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) DENTAL AID - GRANTS	\$ 1,495,000	\$ 1,610,000
(02) DENTAL AID - LOANS	270,000	360,000
(03) CHIROPRACTIC AID	255,000	260,000
(04) OPTOMETRY AID	316,400	341,600
(05) OSTEOPATHY AID	166,700	179,800
(06) PODIATRY AID	99,600	111,800
(07) VETERINARY AID	<u>851,094</u>	<u>913,347</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,453,794</u>	<u>\$ 3,776,547</u>

SECTION 11. APPROPRIATION - CASH. There is hereby appropriated, to the Department of Higher Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Higher Education for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 4,380	\$ 4,380
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 4,380</u>	<u>\$ 4,380</u>

AND

Page 10, delete lines 18 through 24 in their entirety

AND

Page 10, line 30, delete "in" and substitute "in"

AND

Page 10, line 31, delete "~~Items (03), (05) and (11) of Section 4 of this Act~~" and substitute "Items (07), (02), (03) and (08) of Section 4 of this Act"

AND

Page 11, line 4, delete "appropriations as determined by the" and substitute "appropriations"

AND

Page 11, line 5, delete "Director of the Arkansas Department of Higher Education"

AND

Page 11, delete line 6 in its entirety and substitute "Section 4 of this Act for the Governor's"

AND

Page 11, delete line 7 in its entirety and substitute "Scholars Program and the Academic Challenge Scholarships Program which remain"

AND

Page 12, delete line 33 in its entirety and substitute "appropriations"

AND

Page 12, delete line 34 in its entirety and substitute "as provided for "Health Education Grants"

AND

Page 12, line 35, delete "Professions Financial Assistance Program, in" and substitute "in"

AND

Page 13, line 11, delete "Grants"" and substitute "Grants and Loans""

AND

Page 13, line 25, delete "Committee of the Legislative" and substitute "Committee and the Legislative"

AND

Delete SECTION 24 of the bill in its entirety

AND

Delete SECTION 26 of the bill in its entirety

AND

Immediately following SECTION 25, add the following additional sections to read as follows:

"SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER PROVISION. Upon certification by the Director of the Department of Higher Education that transfers are needed to make maximum utilization of funds and appropriations provided for financial aid programs, and with the approval of the Chief Fiscal Officer of the State and a review by the Arkansas Legislative Council, funds and appropriations may be transferred between financial aid programs, except that funds and appropriations may not be transferred for such purposes from either the Governor's Scholars Program or the Academic Challenge Scholarships Program in excess of \$1,000,000 in the aggregate in either fiscal year. Any transfer restrictions contained in appropriation acts for the Department of Higher Education relating to appropriation transfers from Governor's Scholars Program and Academic Challenge Scholarships shall not be applicable to transfers between Governor's Scholars and Academic Challenge Scholarship appropriations.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS. Upon certification to and with the approval of the Chief Fiscal Officer of the State, surplus funds and appropriations may be transferred between the appropriations provided for "Health Education Grants" by this Act by the ~~Eighty-Fourth~~ Eighty-Fifth General Assembly for Dental Aid, Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathic Aid.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007.

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING REQUIREMENTS - HEALTH EDUCATION GRANTS. The Arkansas Department of Higher Education shall annually compile information, as described herein, on students who receive financial aid through the appropriations for health education grants provided for in this Act. Such information shall include the number of students receiving financial aid under each line item of the appropriation made for "Health Education Grants and Loans" in this Act, the name of each out-of-state school which each student is attending or has attended, and, if available, the location and occupation of each student who has completed the course of study for a period of three years following completion.

Such information shall be compiled into a report and presented in conjunction with the biennial appropriation budget request for the appropriation provided herein, to the Arkansas Legislative Council.

The provisions of this section shall be in effect only from ~~July 1, 2003~~ July 1, 2005 through ~~June 30, 2005~~ June 30, 2007."

AND

Appropriately renumber the sections of the bill.

(SIGNED) SENATOR BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 453 was ordered engrossed.

On motion of Senator Bisbee, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

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

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1646** at this time.

On motion of Senator Bisbee, **House Bill No. 1646** was called up for third reading and final disposition.

**HOUSE BILL NO. 1646
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES BOYD, MAHONY, & WILLS**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE PAYMENT OF REIMBURSEMENT TO COUNTIES HOUSING STATE INMATES FOR THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF COMMUNITY CORRECTION WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 811 OF 2003 AND BY ACT 18 OF THE 2ND EXTRAORDINARY SESSION OF 2003; AND FOR OTHER PURPOSES.

House Bill No. 1646 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	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. 1646**, 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. 1646 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1817** at this time.

On motion of Senator Bisbee, **House Bill No. 1817** was called up for third reading and final disposition.

**HOUSE BILL NO. 1817
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STOVALL**

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 CLEBURNE COUNTY FAIR; AND FOR OTHER PURPOSES.

House Bill No. 1817 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 bill27

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. 1817**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1817 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1820** at this time.

On motion of Senator Bisbee, **House Bill No. 1820** was called up for third reading and final disposition.

**HOUSE BILL NO. 1820
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STOVALL**

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 FIRE DEPARTMENTS IN CLEBURNE AND WHITE COUNTIES; AND FOR OTHER PURPOSES.

House Bill No. 1820 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 bill27

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. 1820**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1820 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1821** at this time.

On motion of Senator Bisbee, **House Bill No. 1821** was called up for third reading and final disposition.

**HOUSE BILL NO. 1821
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STOVALL**

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 CLEBURNE COUNTY LIBRARY; AND FOR OTHER PURPOSES.

House Bill No. 1821 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 bill27

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. 1821**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1821 was ordered immediately returned to the House as passed.

On motion of Senator Bookout, **House Bill No. 2456** was called up for third reading and final disposition.

HOUSE BILL NO. 2456
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRADFORD
BY: SENATOR J. BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO AMEND THE QUALIFICATIONS OF BOILER INSPECTORS; TO AMEND THE TIME FOR INTERNAL INSPECTIONS OF LOW PRESSURE BOILERS; TO ELIMINATE THE BOND REQUIREMENT FOR THE CHIEF BOILER INSPECTOR; AND FOR OTHER PURPOSES.

House Bill No. 2456 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 cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2456 was ordered immediately returned to the House as passed.

On motion of Senator G. Jeffress, **House Bill No. 1570** was called up for third reading and final disposition.

HOUSE BILL NO. 1570

As Engrossed: H2/24/05 S3/16/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

**BY: REPRESENTATIVES SULLIVAN, THOMPSON, ABERNATHY, BERRY,
BOLIN, BOYD, CLEMONS, DAVENPORT, DICKINSON, FITE, JEFFREY,
LEDBETTER, MACK, MAXWELL, NICHOLS, NORTON, PETRUS, S. PRATER,
RANKIN, SCROGGIN, & RAGLAND**

BY: SENATORS G. JEFFRESS, J. JEFFRESS, & LAVERTY

A Bill for an Act to be Entitled: THE ARKANSAS LIVESTOCK AND POULTRY CONTRACT PROTECTION ACT; AND FOR OTHER PURPOSES.

House Bill No. 1570 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

House Bill No. 1570 was returned to the House as passed as amended.

On motion of Senator Brown, **House Bill No. 2874** was called up for third reading and final disposition.

HOUSE BILL NO. 2874

As Engrossed: S3/16/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

**BY: REPRESENTATIVES W. LEWELLEN, CLEMONS, RAINEY, DAVIS,
& J. MARTIN**

A Bill for an Act to be Entitled: AN ACT TO CREATE THE TASKFORCE FOR THE STUDY OF THE HOMELESS; AND FOR OTHER PURPOSES.

House Bill No. 2874 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2874 was returned to the House as passed as amended.

On motion of Senator Taylor, **House Bill No. 2523** was called up for third reading and final disposition.

HOUSE BILL NO. 2523
As Engrossed: S3/16/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE REEP
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT CONCERNING PAYMENT OF FEES IN COUNTY SOLID WASTE MANAGEMENT SYSTEMS; AND FOR OTHER PURPOSES.

House Bill No. 2523 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 bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2523 was returned to the House as passed as amended.

House Bill No. 1734 returned from the House.

Senator Bookout moved that the record pertaining to the vote by which House Bill No. 1734 passed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Bookout, House Bill No. 1734 was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Taylor, House Bill No. 2457 was called up for third reading and final disposition.

HOUSE BILL NO. 2457
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRADFORD

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PERFUSIONISTS LICENSURE ACT; TO REQUIRE CLINICAL ACTIVITIES FOR LICENSURE OF PERFUSIONISTS; TO REPEAL THE PROVISION FOR LICENSURE WITHOUT EXAMINATION; AND FOR OTHER PURPOSES.

House Bill No. 2457 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 bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2457 was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1809** was called up for third reading and final disposition.

**HOUSE BILL NO. 1809
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE KEY**

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE LICENSING AND REGISTRATION OF RADIOACTIVE MATERIALS, DEVICES CONTAINING RADIOACTIVE MATERIAL, AND X-RAY DEVICES; TO OFFSET COSTS OF THE DEPARTMENT OF HEALTH; AND FOR OTHER PURPOSES.

House Bill No. 1809 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1809 was ordered immediately returned to the House as passed.

On motion of Senator Luker, **House Bill No. 2326** was called up for third reading and final disposition.

**HOUSE BILL NO. 2326
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES D. JOHNSON & THOMASON**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE METHOD OF ANALYSIS USED TO DETERMINE THE PRESENCE OF CONTROLLED SUBSTANCES OR ALCOHOL RELATING TO THE OFFENSE OF NEGLIGENT HOMICIDE; AND FOR OTHER PURPOSES.

House Bill No. 2326 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

House Bill No. 2326 was ordered immediately returned to the House as passed.

On motion of Senator Faris, **House Bill No. 2015** was called up for third reading and final disposition.

**HOUSE BILL NO. 2015
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION**

**BY: REPRESENTATIVES KEY, KENNEY, & BRADFORD
BY: SENATORS FARIS & WOMACK**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PRIVATE ENFORCEMENT PROVISIONS OF THE PATIENT PROTECTION ACT OF 1995 AND THE PATIENT PROTECTION ACT OF 2005; AND FOR OTHER PURPOSES.

House Bill No. 2015 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, 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.

Total34

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2015 was ordered immediately returned to the House as passed.

On motion of Senator Faris, **House Bill No. 2079** was called up for third reading and final disposition.

**HOUSE BILL NO. 2079
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MALOCH**

A Bill for an Act to be Entitled: TO AUTHORIZE THE ARKANSAS REAL ESTATE COMMISSION TO REGULATE REAL ESTATE AUCTIONS; AND FOR OTHER PURPOSES.

House Bill No. 2079 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

House Bill No. 2079 was ordered immediately returned to the House as passed.

HOUSE BILL NO. 2440
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE THOMASON

A Bill for an Act to be Entitled: AN ACT TO EXEMPT CERTAIN INFORMATION MAINTAINED BY THE COMMISSIONER OF STATE LANDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

House Bill No. 2440 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 2450
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROEBUCK

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE ALLOWABLE REIMBURSEMENT TO THE DEPARTMENT OF HEALTH FOR INVESTIGATIONS AND INSPECTIONS OF ALLEGED WRONGDOING BY PERSONS LICENSED IN THE MEDICAL PROFESSION; AND FOR OTHER PURPOSES.

House Bill No. 2450 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. 2515

As Engrossed: H3/10/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES BRADFORD, CLEMONS, FLOWERS, MAHONY,
MAXWELL, & BOLIN

BY: SENATOR J. TAYLOR

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF THE SPARTA AQUIFER CRITICAL GROUNDWATER COUNTIES' REMEDIATION ACT; AND FOR OTHER PURPOSES.

House Bill No. 2515 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, ECONOMIC AND INDUSTRIAL DEVELOPMENT.

HOUSE BILL NO. 2556

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ARKANSAS MANUFACTURED HOMES STANDARDS ACT ADMINISTERED BY THE ARKANSAS MANUFACTURED HOME COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 2556 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 2574
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PETRUS

A Bill for an Act to be Entitled: AN ACT TO ASSIGN TO THE ARKANSAS STATE PLANT BOARD SPECIFIED POWERS, DUTIES, AND RESPONSIBILITIES, INCLUDING THE DUTY TO DEVELOP AND ENFORCE REGULATIONS RELATING TO RICE IDENTIFIED AS HAVING CHARACTERISTICS OF COMMERCIAL IMPACT; AND FOR OTHER PURPOSES.

House Bill No. 2574 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, ECONOMIC AND INDUSTRIAL DEVELOPMENT.

HOUSE BILL NO. 2896
As Engrossed: H3/16/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES D. EVANS, ADCOCK, BOLIN, D. CREEKMORE,
DAVENPORT, DAVIS, GEORGE, HARRELSON, ROSENBAUM, SAUNDERS,
SCHULTE, & L. SMITH

A Bill for an Act to be Entitled: AN ACT TO REQUIRE AN OUT-OF-STATE PURCHASER OF A MOTOR VEHICLE AT A SALVAGE AUCTION TO OBTAIN A SALVAGE AUCTION BUYER'S IDENTIFICATION CARD AND TO LEVY A FEE FOR THE SALVAGE AUCTION BUYER'S IDENTIFICATION CARD FOR OUT-OF-STATE PURCHASERS; AND FOR OTHER PURPOSES.

House Bill No. 2896 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 2743

As Engrossed: H3/11/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES WOOD & *DICKINSON*

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT CERTIFIED TEACHERS FOR THE ARKANSAS NATIONAL GUARD YOUTH CHALLENGE PROGRAM AND THE C-STEP PROGRAM RECEIVE TEACHER SALARIES AND BENEFITS SUBSTANTIALLY EQUAL TO THE SALARIES AND BENEFITS RECEIVED BY TEACHERS IN THE PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 2743 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

March 17, 2005

Mr. President:

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

SENATE BILL NO. 246, BY SENATOR BOOKOUT,
SENATE BILL NO. 478, BY SENATOR LAVERTY,
SENATE BILL NO. 481, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 491, BY SENATOR WILKINS,
SENATE BILL NO. 492, BY SENATOR WILKINS,
SENATE BILL NO. 493, BY SENATOR WILKINS,
SENATE BILL NO. 494, BY SENATOR WILKINS,
SENATE BILL NO. 495, BY SENATOR WILKINS,
SENATE BILL NO. 496, BY SENATOR WILKINS,
SENATE BILL NO. 497, BY SENATOR WILKINS,
SENATE BILL NO. 498, BY SENATOR WILKINS,
SENATE BILL NO. 548, BY SENATOR LAVERTY,
SENATE BILL NO. 549, BY SENATOR LAVERTY,
SENATE BILL NO. 550, BY SENATOR LAVERTY,
SENATE BILL NO. 551, BY SENATOR LAVERTY,
SENATE BILL NO. 552, BY SENATOR LAVERTY,
SENATE BILL NO. 553, BY SENATOR LAVERTY,

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 BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 554, BY SENATOR LAVERTY,
SENATE BILL NO. 565, BY SENATOR LAVERTY,
SENATE BILL NO. 566, BY SENATOR LAVERTY,
SENATE BILL NO. 567, BY SENATOR LAVERTY,
SENATE BILL NO. 568, BY SENATOR LAVERTY,
SENATE BILL NO. 569, BY SENATOR LAVERTY,
SENATE BILL NO. 570, BY SENATOR LAVERTY,
SENATE BILL NO. 571, BY SENATOR LAVERTY,
SENATE BILL NO. 572, BY SENATOR LAVERTY,
SENATE BILL NO. 582, BY SENATOR LAVERTY,
SENATE BILL NO. 596, BY SENATOR LAVERTY,
SENATE BILL NO. 597, BY SENATOR LAVERTY,
SENATE BILL NO. 656, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 657, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 658, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 659, BY SENATOR HIGGINBOTHOM,

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 BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 660, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 661, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 662, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 663, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 664, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 665, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 666, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 667, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 668, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 670, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 671, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 672, BY SENATOR HIGGINBOTHOM,

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 BISBEE

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 673, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 674, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 675, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 676, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 677, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 678, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 679, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 749, BY SENATOR BRYLES,
SENATE BILL NO. 792, BY SENATOR GLOVER,
SENATE BILL NO. 793, BY SENATOR GLOVER,
SENATE BILL NO. 794, BY SENATOR GLOVER,
SENATE BILL NO. 809, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 810, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 811, BY SENATOR LAVERTY,

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 BISBEE

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 812, BY SENATOR LAVERTY,
SENATE BILL NO. 813, BY SENATOR LAVERTY,
SENATE BILL NO. 814, BY SENATOR LAVERTY,
SENATE BILL NO. 815, BY SENATOR LAVERTY,
SENATE BILL NO. 816, BY SENATOR LAVERTY,
SENATE BILL NO. 818, BY SENATOR LAVERTY,
SENATE BILL NO. 819, BY SENATOR LAVERTY,
SENATE BILL NO. 861, BY SENATOR WILKINS,
SENATE BILL NO. 872, BY SENATOR LAVERTY,
SENATE BILL NO. 884, BY SENATOR GLOVER,

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 BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 931, BY SENATOR SALMON,
SENATE BILL NO. 932, BY SENATOR SALMON,
SENATE BILL NO. 942, BY SENATOR WOOLDRIDGE,
SENATE BILL NO. 945, BY SENATOR SALMON,
SENATE BILL NO. 947, BY SENATOR LAVERTY,
SENATE BILL NO. 1088, BY SENATOR HORN,

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

March 17, 2005

Mr. President:

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

SENATE RESOLUTION NO. 12, BY SENATOR STEELE,

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

HOUSE BILL NO. 1470, BY REPRESENTATIVE REEP,
HOUSE BILL NO. 1970, BY REPRESENTATIVE GOSS,
HOUSE BILL NO. 2105, BY REPRESENTATIVE BRADFORD,
HOUSE BILL NO. 2449, BY REPRESENTATIVE ABERNATHY,

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

Senate Bill No. 383 returned from the House as passed and ordered enrolled:

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 300, BY SENATOR BOOKOUT,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 17, 2005

Mr. President:

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

SENATE BILL NO. 453, 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. 453** was ordered re-referred to the Committee on JOINT BUDGET.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

State Capitol
Little Rock, 72201

January 24, 2005

The Honorable Jim Argue
President Pro Tempore
State Chambers - State Capitol
Little Rock, Arkansas 72201

Mr. President and Members of the Senate:

Pursuant to the authority vested in me by the Constitution of the State of Arkansas, I am submitting the following appointments to be confirmed.

I respectfully submit these appointments to your Honorable Body and request that they be confirmed.

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

SENATOR SHARON TRUSTY

SENATOR CONFIRMATIONS 2005

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bert Mullins Pope County	01/14/2009	Arkansas Development Finance Authority
Robert Stancliff, Sr. Pope County	09/01/2009	Arkansas Manufactured Home Commission
Jack Storey Pope County	01/14/2009	Arkansas Racing Commission

SENATOR HANK WILKINS

SENATOR CONFIRMATIONS 2005

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Joe Cunningham Phillips County	01/14/2011	Liquefied Petroleum Gas Board
Betty Griffin Jefferson County	07/01/2007	Sex Offenders Assessment Committee

March 17, 2005

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

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fifth General Assembly, on a motion of Senator Sharon Trusty, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable body.

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Bert Mullins Pope County	01/14/2009	Arkansas Development Finance Authority
Robert Stancliff, SR. Pope County	09/01/2009	Arkansas Manufactured Home Commission
Jack Storey Pope County	01/14/2009	Arkansas Racing Commission

Respectfully submitted,

(SIGNED) ANN CORNWELL
 Secretary of the Senate

AC/cm

Pc: The Honorable Charlie Daniels, Secretary of State
 Steve Guntharp, Director of Boards and Commissions

March 17, 2005

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

Dear Governor Huckabee:

This is to advise that the Senate of the Eighty-Fifth General Assembly, on a motion of Senator Hank Wilkins, advised with and consented unanimously to the enclosed appointments heretofore submitted to this Honorable body.

<u>APPOINTEE & COUNTY</u>	<u>EXPIRATION DATE</u>	<u>BOARD OR COMMISSION</u>
Joe Cunningham Phillips County	01/14/2011	Liquefied Petroleum Gas Board
Betty Griffin Jefferson County	07/01/2007	Sex Offenders Assessment Committee

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC/cm

Pc: The Honorable Charlie Daniels, Secretary of State
Steve Guntharp, Director of Boards and Commissions

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 205
SENATE BILL NO. 563
SENATE BILL NO. 590
SENATE BILL NO. 591
SENATE BILL NO. 592
SENATE BILL NO. 593
SENATE BILL NO. 858
SENATE BILL NO. 958
SENATE BILL NO. 959
SENATE BILL NO. 961
SENATE BILL NO. 1013
SENATE BILL NO. 1022
SENATE BILL NO. 1137
SENATE BILL NO. 1150

SENATE CONCURRENT RESOLUTIONS TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 14
SENATE CONCURRENT RESOLUTION NO. 15
SENATE CONCURRENT RESOLUTION NO. 17

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1646

HOUSE BILL NO. 1809

HOUSE BILL NO. 1817

HOUSE BILL NO. 1820

HOUSE BILL NO. 1821

HOUSE BILL NO. 2015

HOUSE BILL NO. 2079

HOUSE BILL NO. 2326

HOUSE BILL NO. 2456

HOUSE BILL NO. 2457

HOUSE CONCURRENT RESOLUTION RETURNED TO THE HOUSE

AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1028

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED AS AMENDED

HOUSE BILL NO. 1570, AS AMENDED NO. 1 AND 2

HOUSE BILL NO. 2523, AS AMENDED NO. 1

HOUSE BILL NO. 2874, AS AMENDED NO. 1

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 383

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 2440

HOUSE BILL NO. 2450

HOUSE BILL NO. 2515

HOUSE BILL NO. 2556

HOUSE BILL NO. 2574

HOUSE BILL NO. 2896

HOUSE BILL NO. 2743

HOUSE BILL RETURNED FROM THE HOUSE

AS PASSED

HOUSE BILL NO. 1734

On motion of Senator Hill, the Senate adjourned until 10:00 a.m., Friday, March 18, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE