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

Little Rock, Arkansas

March 29, 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 Joe Payne, First General Baptist Church, Piggott, AR.

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

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

On motion of Senator Faris, **Senate Bill No. 935** was withdrawn from the Committee on PUBLIC TRANSPORTATION, and placed back on second reading for purpose of Amendment No. 2.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. 935

Amend **Senate Bill No. 935** as engrossed, S3/16/05:

Page 2, delete line 17 and substitute the following:
“operation of the implement of husbandry upon a highway.

(D) An affidavit to establish incidental use is not required if the implement of husbandry was originally manufactured as an implement of husbandry;”

(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. 935 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 1000** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.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. 1000

Amend **Senate Bill No. 1000** as originally introduced:

Page 3, delete line 6 entirely, and substitute the following:
 " student per year.

(c)(1)(A) Beginning in fiscal year 2005-2006, the limits on the amount of unrestricted educational and general funds for intercollegiate athletic programs at state-supported institutions of higher education set forth in subsections (a) and (b) of this section shall be adjusted as determined by the Department of Higher Education based on an appropriate inflationary index.

(B) The appropriate inflationary index shall be determined by the Arkansas Higher Educating Coordinating Board and may consist of the consumer price index, the higher education inflation index, or such other indices or factors as the Coordinating Board may determine is advisable.

(2)(A) For the fiscal year 2005-2006, the adjustments shall take into account the inflation increases since the figures set forth in subsections (a) and (b) of this section were established or last adjusted.

(B) In subsequent years, the adjustment shall be for the period from the last adjustment to the beginning of the relevant fiscal year."

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. 1000 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 338** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2 and No. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 338

Amend **Senate Bill No. 338** as engrossed, S3/7/05:

Page 2, delete line 4 and substitute:

“(a) Before January 1, 2004, the The Department of Education shall make the”

AND

Page 2, delete line 12 and substitute:

“(C) District balances, including legal balances and building fund balances;”

AND

Page 2, delete line 18 and substitute:

“(3)(A) Links to the local district’s website containing information from the”

AND

Page 2, delete line 35 and substitute:

“years and the projected budgeted information for the current school year.

(b) By December 31 of each year, the Department of Education shall provide a written report to the House and Senate Joint Interim Committee on Education listing those school districts that are not in compliance with this section.”

AND

Page 8, delete lines 27 through 36 and substitute:

“SECTION 12. Arkansas Code § 6-20-402(e)(1) and (2), concerning school district’s debt, is amended to read as follows:

(e)(1)(A)(i) Except as provided in subdivision (e)(1)(B) of this section, As as additional security for the payment of any postdated warrant, installment contract, lease-purchase agreement, or current indebtedness of a school district authorized under subdivision (a)(2) of this section, the district may authorize the state board to cure any delinquencies in payment of the school district by withholding state aid foundation funding due the district.

(ii) Authorization shall be given by the school district at the time the postdated warrant, installment contract, or lease-purchase agreement is issued or the current indebtedness authorized under subdivision (a)(2) of this section is incurred and shall be given in the manner and in the form that the state board shall prescribe.

(B) A school district may not authorize the state board to cure and the state board shall not cure any delinquencies of the district in contracts or extended warranties on equipment by withholding state foundation funding due the district.

(2)(A) If the debtor district has authorized withholding of state aid, then whenever the payee or the designated paying agent for receipt of the district's payments does not receive a payment when due pursuant to the authorizing documents, the payee or paying agent will be entitled to payment from the withheld state aid in an amount sufficient to cure the payment deficiency upon notifying the Director of the Department of Education and the superintendent of the district by telephone, facsimile, or other similar communication followed by written verification if a school district has authorized withholding of its state foundation funding under subdivision (e)(1)(A) of this section and the school district has failed to pay the payee or paying agent amounts due under a postdated warrant, installment contract, or lease-purchase agreement described in subdivision (a)(2) of this section, then the payee or paying agent shall be entitled to payment from the school district's withheld state foundation funding if the payee or paying agent:

(i) Obtains a final judgment establishing the payee's or paying agent's right to payment from the school district under a postdated warrant, installment contract, or lease-purchase agreement described in subdivision (a)(2) of this section; and

(ii) Submits a written request for payment of the amount of the unpaid judgment and a certified copy of the final judgment to the Director of the Department of Education and the superintendent of the school district.

(B)(i) Except as provided in subdivision (e)(1)(B) of this section, Unless unless the superintendent of the school district certifies in writing to the director determines that payment has been made by the district and there is no longer a payment deficiency to the payee or the paying agent and the judgment has been paid in full, the director shall withhold from the next distribution to the school district of state aid foundation funding and remit to the payee or paying agent an amount sufficient to cure the deficiency pay the judgment amount.

(ii) If the amount withheld under subdivision (e)(1)(B)(i) is insufficient to pay the judgment in full, the director shall continue withholding subsequent distributions of state foundation funding to the school district until the superintendent certifies to the director that the judgment is paid in full."

AND

Page 9, delete line 1 entirely

AND

Page 12, delete lines 25 through 29 and substitute:

"(a) Any increase in Educational Excellence Trust Fund funds allocated for teacher salaries ~~may shall~~ be used by school districts to provide salary increases for current certified personnel positions and for no other purpose, to fund the required salary increase provided for in this subsection, 6-20-412, and 6-17-2101et seq., and except that required social security and teacher retirement matching required to be paid by the school districts for certified personnel may be paid from the funds."

AND

Page 17, delete line 13, and substitute:

"participate in the program.

SECTION 23. Arkansas Code § 6-20-402(a)(2), concerning school district's debt, is amended to read as follows:

(2) School districts may issue postdated warrants or enter into installment contracts or short-term lease-purchase agreements for the following purposes:

- (A) Purchase of school buses;
- (B) Payment of premiums of insurance policies on school buildings, facilities, and equipment in instances in which the insurance coverage extends three (3) years or longer;
- (C)(i) Purchase of equipment.
(ii) However, "purchase of equipment" does not include separate equipment service agreements, equipment repair contracts, or extended warranties for the equipment;
- (D) Installation or purchase, or both, of energy conservation measures in school facilities;
- (E) Repair and renovation of school facilities;
- (F) Purchase of school sites;
- (G) Payment on loans secured for settlement resulting from litigation against a school district;
- (H) Payment of the district's pro rata part of employing professional appraisers as authorized by laws providing for the appraisal or reappraisal and assessment of property for ad valorem tax purposes; and
- (I) The professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond Program codified at 26 U.S.C. § 1397E."

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 338

Amend **Senate Bill No. 338** as engrossed, S3/7/05:

Page 2, delete line 4 and substitute:

“(a) ~~Before January 1, 2004, the~~ The Department of Education shall make the”

AND

Page 2, delete line 12 and substitute:

“(C) District balances, including legal balances and building fund balances;”

AND

Page 2, delete line 18 and substitute:

“(3)(A) Links to the local district’s website containing information from the”

AND

Page 2, delete line 35 and substitute:

“years and the projected budgeted information for the current school year.

(b) By December 31 of each year, the Department of Education shall provide a written report to the House and Senate Joint Interim Committee on Education listing those school districts that are not in compliance with this section.”

AND

Page 8, delete lines 27 through 36 and substitute:

“SECTION 12. Arkansas Code § 6-20-402(e)(1) and (2), concerning school district’s debt, is amended to read as follows:

(e)(1)(A)(i) Except as provided in subdivision (e)(1)(B) of this section, As as additional security for the payment of any postdated warrant, installment contract, lease-purchase agreement, or current indebtedness of a school district authorized under subdivision (a)(2) of this section, the district may authorize the state board to cure any delinquencies in payment of the school district by withholding state aid foundation funding due the district.

(ii) Authorization shall be given by the school district at the time the postdated warrant, installment contract, or lease-purchase agreement is issued or the current indebtedness authorized under subdivision (a)(2) of this section is incurred and shall be given in the manner and in the form that the state board shall prescribe.

(B) A school district may not authorize the state board to cure and the state board shall not cure any delinquencies of the district in contracts or extended warranties on equipment by withholding state foundation funding due the district.

~~(2)(A) If the debtor district has authorized withholding of state aid, then whenever the payee or the designated paying agent for receipt of the district’s payments does not receive a payment when due pursuant to the authorizing documents, the payee or paying agent will be entitled to payment from the withheld~~

~~state aid in an amount sufficient to cure the payment deficiency upon notifying the Director of the Department of Education and the superintendent of the district by telephone, facsimile, or other similar communication followed by written verification~~ If a school district has authorized withholding of its state foundation funding under subdivision (e)(1)(A) of this section and the school district has failed to pay the payee or paying agent amounts due under a postdated warrant, installment contract, or lease-purchase agreement described in subdivision (a)(2) of this section, then the payee or paying agent shall be entitled to payment from the school district's withheld state foundation funding if the payee or paying agent:

(i) Obtains a final judgment establishing the payee's or paying agent's right to payment from the school district under a postdated warrant, installment contract, or lease-purchase agreement described in subdivision (a)(2) of this section; and

(ii) Submits a written request for payment of the amount of the unpaid judgment and a certified copy of the final judgment to the Director of the Department of Education and the superintendent of the school district.

~~Unless unless the superintendent of the school district certifies in writing to the director determines that payment has been made by the district and there is no longer a payment deficiency to the payee or the paying agent and the judgment has been paid in full, the director shall withhold from the next distribution to the school district of state aid foundation funding and remit to the payee or paying agent an amount sufficient to cure the deficiency~~ pay the judgment amount.

(ii) If the amount withheld under subdivision (e)(1)(B)(i) is insufficient to pay the judgment in full, the director shall continue withholding subsequent distributions of state foundation funding to the school district until the superintendent certifies to the director that the judgment is paid in full."

AND

Page 9, delete line 1 entirely

AND

Page 12, delete lines 25 through 29 and substitute:

"(a) Any increase in Educational Excellence Trust Fund funds allocated for teacher salaries may shall be used by school districts to provide salary increases for current certified personnel positions and for no other purpose, to fund the required salary increase provided for in this subsection, 6-20-412, and 6-17-2101 et seq., and except that required social security and teacher retirement matching required to be paid by the school districts for certified personnel may be paid from the funds."

AND

Page 17, delete line 13, and substitute:
"participate in the program.

SECTION 23. Arkansas Code § 6-20-402(a)(2), concerning school district's debt, is amended to read as follows:

(2) School districts may issue postdated warrants or enter into installment contracts or short-term lease-purchase agreements for the following purposes:

- (A) Purchase of school buses;
- (B) Payment of premiums of insurance policies on school buildings, facilities, and equipment in instances in which the insurance coverage extends three (3) years or longer;
- (C)(i) Purchase of equipment.

(ii) However, "purchase of equipment" does not include separate equipment service agreements, equipment repair contracts, or extended warranties for the equipment;

(D) Installation or purchase, or both, of energy conservation measures in school facilities;

(E) Repair and renovation of school facilities;

(F) Purchase of school sites;

(G) Payment on loans secured for settlement resulting from litigation against a school district;

(H) Payment of the district's pro rata part of employing professional appraisers as authorized by laws providing for the appraisal or reappraisal and assessment of property for ad valorem tax purposes; and

(I) The professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond Program codified at 26 U.S.C. § 1397E."

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. 338 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 465** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 465

Amend **Senate Bill No. 465** as engrossed, S3/28/05:

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

"After the effective date of this section, no public school in the state shall purchase nonconforming vans, as defined"

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. 465 was ordered engrossed.

On motion of Senator Faris, **Senate Joint Resolution No. 1** was withdrawn from the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 3.

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

Amendment No. 3 to SENATE JOINT RESOLUTION NO. 1

Amend **Senate Joint Resolution No. 1** as engrossed, S3/23/05:

Page 2, delete lines 1 through 27 and substitute the following:

“(a) Hunting, trapping, fishing, and the taking of wild animals, birds, and fish are a valued part of our heritage and will be forever preserved for the people of Arkansas.

(b) No part of this Amendment shall be deemed to supersede Amendment 35 of the Arkansas Constitution or the Game and Fish Commission’s authority to promulgate rules and regulations consistent with Amendment 35 and this Amendment.

(c) Fish and wildlife shall be managed consistent with Amendment 35 to the Arkansas Constitution. The people of Arkansas shall be provided with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers, and trappers. Fish and wildlife management, including taking, shall be consistent with the State’s duty to protect this heritage and its duty to conserve wild animals, birds, and fish. Hunting, fishing, or trapping by sportsmen shall always be a means of controlling all invasive or overpopulated species.

(d) The right of the people to hunt, fish, trap, and harvest game shall not be abridged without due process of law.

(e) It is the public policy of the State of Arkansas to promote the public and private acquisition, approval, construction, and operation of shooting ranges and other facilities where people may acquire and enhance their training and skills to hunt and harvest game safely, efficiently, and humanely.

(f) This Amendment shall not be construed to alter:

(1) Common law or statutes relating to trespass, eminent domain, or any other public or private property rights; or

(2) Laws concerning firearms;

(3) The legislative powers of municipalities and counties; or

(4) The sovereign immunity of the State of Arkansas.

SECTION 2. This amendment shall become effective on January 1, 2007.”

(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 Joint Resolution No. 1 was ordered engrossed.

On motion of Senator G. Jeffress, **Senate Bill No. 1161** 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. 1161

Amend **Senate Bill No. 1161** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1 (a) In its "Annual Statistical Report of the Public Schools of Arkansas", which is provided to the members of the General Assembly in January of each school year and was formerly called "The Report on House Concurrent Resolution No. 58 of the 1961 General Assembly", the Arkansas Department of Education shall include both the previous and current school years' information.

(b) In order to improve the General Assembly's and the public's knowledge and understanding of Arkansas public schools, the Department of Education shall resume the annual publication of the information contained in the "Statistical Summary for the Public Schools of Arkansas", which was last issued in May 1992 for the school years ending June 30, 1990, and June 30, 1991.

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR GENE JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1161 was ordered engrossed.

On motion of Senator Critcher, **Senate Bill No. 1145** 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. 1145

Amend **Senate Bill No. 1145** as originally introduced:

Page 2, line 18, delete "are not" and substitute "are"

AND

Page 2, line 19, delete "premium rate" and substitute "percentage premium rate increase"

AND

Page 3, line 15, delete "terms of this section" and substitute "terms of this section, except the requirement in subdivision (b)(1) of this section,"

AND

Page 3, line 16, delete "2006" and substitute "2007".

(SIGNED) SENATOR JACK CRITCHER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1145 was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 976** 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. 976

Amend **Senate Bill No. 976** as engrossed, S3/24/05:

Page 3 line 24, delete "Oriental practices."

AND

Page 6, line, delete line 26 and substitute the following:

"(C) A medical diagnosis or oriental medical diagnosis;"

AND

Page 6 delete line 36 and substitute the following:

"(A) Acupuncture and related techniques;"

(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. 976 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. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 1093

Amend **Senate Bill No. 1093** as engrossed, S3/17/05:

Page 1, delete lines 26 through 30, and substitute the following:

“(1) “Design-build” means a project delivery method in which the school district acquires both design and construction services in the same contract from a single legal entity, referred to as the design-builder, without competitive bidding;

(2)(A) “Design-builder” means any individual, partnership, joint venture, corporation, or other legal entity that is appropriately licensed in the State of Arkansas and that furnishes the necessary design services, in addition to the construction of the work, whether by itself or through subcontracts, including, but not limited to, subcontracts for architectural services, landscape architectural services, and engineering services.

(B) Architectural services, landscape architectural services, and engineering services shall be performed by an architect, landscape architect, or engineer licensed in the State of Arkansas.

(C) Construction contracting shall be performed by a contractor qualified and licensed under Arkansas law.

(3) “Design-build contract” means the contract between the school district and a design-builder to furnish the architecture, engineering, and related services as required and to furnish the labor, materials, and other construction services for the same project.”

(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. 1164** 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. 1164

Amend **Senate Bill No. 1164** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-21-304(a), concerning the purchase of commodities by a school district, is amended to read as follows:
 6-21-304. Manner of making purchases.

(a)(1) All purchases of commodities by any school district, except those specifically exempted by § 6-21-305, shall be made as follows:

~~(1)(A)~~ In each instance in which the estimated purchase price shall equal or exceed ten thousand dollars (\$10,000), the commodity shall be procured by soliciting bids, provided that the purchasing official may reject all bids and may purchase the commodity by negotiating a contract. If the purchasing official, after rejecting all bids, determines that the purchase should be made by negotiation, then each responsible bidder who submitted a bid shall be notified of the determination and shall be given a reasonable opportunity to negotiate;

~~(2)(B)~~ Open market purchases may be made where the purchase price is less than ten thousand dollars (\$10,000); and

~~(3)(C)~~ No purchasing official shall parcel or split any item or items with the intent or purpose to enable the purchase to be made under a less restrictive procedure.

(2)(A) In soliciting bids for the purchase of a commodity, a school district or a person or organization acting on behalf of a school district shall not impose qualifications or specifications that unreasonably restrict competition for the purchase of a commodity.

(B)(i) As used in this subdivision, "specifications" means a technical description or other description of the physical or functional characteristics of a commodity.

(ii) Specifications shall not include the name or identity of any specific vendor.

(3)(A) A school district shall notify in writing all actual or prospective bidders, offerors, or contractors who make a written request to the school district for notification of opportunities to bid.

(B) Notice under subdivision (a)(3)(A) of this section shall be provided in sufficient time to allow actual or prospective bidders, offerors, or contractors to submit a bid or otherwise appropriate response.

(4)(A) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a school district contract may protest to the superintendent of the school district in accordance with procedures established by the board of directors of the school district.

(B) Protest procedures shall include, at a minimum, provisions addressing the following:

- (i) The superintendent's authority to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract;
- (ii) Submission of a protest in writing within seven (7) calendar days after the aggrieved person knows or should have known of the facts giving rise to the protest;
- (iii) The provision of reasonable notice to all persons involved and reasonable opportunity for those persons to respond to the protest issues;
- (iv) The issuance of a prompt decision in writing that states the reasons for the action taken and is provided to all interested parties;
- (v) The impact of a protest on continuing with the solicitation or award of the school district contract pending the resolution of the protest; and
- (vi) The award of costs with regard to successful protests.

(C) A decision on a protest under this section shall be final and conclusive."

(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. 1164 was ordered engrossed.

On motion of Senator Faris, **Senate Concurrent Resolution No. 16** 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 CONCURRENT RESOLUTION NO. 16

Amend **Senate Concurrent Resolution No. 16** as originally introduced:

Page 1, line 18, delete "13" and substitute "14"

AND

Page 1, line 22, delete "Arkansas and Duke University" and substitute "Arkansas, Duke University, and the University of Mississippi"

AND

Page 1, line 28, delete "Federation;" and substitute "Federation, the Olympic oversight organization for Taekwondo;"

AND

Page 1, delete line 33, and substitute the following:
"National Champion; and"

WHEREAS, in the past month alone, Hunter has won two (2) gold medals at an international tournament in Oklahoma City and a gold medal and a silver medal at the 14th Annual U.S. Open Taekwondo Championships and concurrent World Championships held in Atlanta, Georgia; and"

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 16 was ordered engrossed.

On motion of Senator Wooldridge, **Senate Bill No. 894** 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. 894

Amend **Senate Bill No. 894** as originally introduced:

Delete "Senator Wooldridge" as sponsor and substitute "Senator Wilkins"

(SIGNED) SENATOR TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 894 was ordered engrossed.

On motion of Senator Wooldridge, **Senate Bill No. 895** 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. 895

Amend **Senate Bill No. 895** as originally introduced:

Delete "Senator Wooldridge" as sponsor and substitute "Senator Wilkins"

(SIGNED) SENATOR TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 895 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. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 1104

Amend **Senate Bill No. 1104** as engrossed, S3/24/05:

Page 2, line 18, delete “(b)” and substitute “(b)(1)”

AND

Page 2, delete line 21 and substitute the following:

“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.”

(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.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 16,
BY SENATOR FARIS,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE JOINT RESOLUTION NO. 1, BY SENATOR BROADWAY,

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 Broadway, **Senate Joint Resolution No. 1** was ordered referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 338, BY SENATOR BROADWAY,
SENATE BILL NO. 465, BY SENATOR BROADWAY,
SENATE BILL NO. 1000, BY SENATOR BROADWAY,
SENATE BILL NO. 1093, BY SENATOR ALTES,
SENATE BILL NO. 1161, BY SENATOR G. JEFFRESS,
SENATE BILL NO. 1164, 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 Broadway, **Senate Bill No. 338** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, **Senate Bill No. 465** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, **Senate Bill No. 1000** 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 G. Jeffress, **Senate Bill No. 1161** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Altes, **Senate Bill No. 1164** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 894, BY SENATOR WOOLDRIDGE,
SENATE BILL NO. 895, BY SENATOR WOOLDRIDGE,

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 Wooldridge, **Senate Bill No. 894** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Wooldridge, **Senate Bill No. 895** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 935, BY SENATOR FARIS,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Faris, **Senate Bill No. 935** was ordered re-referred to the Committee on PUBLIC TRANSPORTATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 976, BY SENATOR ALTES,
SENATE BILL NO. 1145, BY SENATOR CRITCHER,

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 Altes, **Senate Bill No. 976** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Critcher, **Senate Bill No. 1145** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 1104, BY SENATOR J. JEFFRESS,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 583, BY SENATOR BAKER,
SENATE BILL NO. 1006, BY SENATOR BROADWAY,

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

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 266, BY SENATOR MADISON,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that it do pass as Amended No. 3, No. 4,
and No. 5.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 1176, 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.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 952, BY SENATOR MADISON,

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

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

HOUSE BILL NO. 1682, BY REPRESENTATIVE PYLE,

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 29, 2005

Mr. President:

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

HOUSE BILL NO. 1694, 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 as Amended No. 1.

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

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 944, BY SENATOR T. SMITH,
SENATE BILL NO. 1106, BY SENATOR HOLT,

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 29, 2005

Mr. President:

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

SENATE BILL NO. 762, BY SENATOR WHITAKER,

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 (JDF425).

Respectfully submitted,
(SIGNED) SENATOR STEVE HIGGINBOTHOM, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

HOUSE BILL NO. 2515, BY REPRESENTATIVE BRADFORD,
HOUSE BILL NO. 2797, BY REPRESENTATIVE L. EVANS,

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 29, 2005

Mr. President:

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

HOUSE BILL NO. 2072, BY REPRESENTATIVE PICKETT,

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 (MGF519).

Respectfully submitted,
(SIGNED) SENATOR STEVE HIGGINBOTHOM, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 1089, BY SENATOR HORN,

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 29, 2005

Mr. President:

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

HOUSE BILL NO. 1246, 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.

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

On motion of Senator Wilkinson, the Senate resolved itself into the Committee of the Whole for the purpose of Senate Concurrent Resolution No. 10 congratulating Al Davis, Sr.

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

On motion of Senator Wilkinson, **Senate Concurrent Resolution No. 10**, was called for 3rd reading and final deposition.

SENATE CONCURRENT RESOLUTION NO. 10
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WILKINSON
BY: REPRESENTATIVE OVERBEY

SENATE CONCURRENT RESOLUTION CONGRATULATING AL DAVIS, SR., FOR HIS INDUCTION INTO THE ARKANSAS RUNNERS HALL OF FAME AND FOR HIS EXCELLENCE AS AN ATHLETE.

Senate Concurrent Resolution No. 10 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 10 was ordered immediately transmitted to the House.

On motion of Senator Higginbothom, **Senate Resolution No. 8** was called up for third reading and final disposition.

SENATE RESOLUTION NO. 8
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HIGGINBOTHOM

SENATE RESOLUTION ENDORSING THE RENAMING OF THE UNIVERSITY OF ARKANSAS DIVISION OF AGRICULTURE COTTON BRANCH EXPERIMENTAL STATION IN MARIANNA AS THE LON MANN COTTON RESEARCH STATION OF THE UNIVERSITY OF ARKANSAS DIVISION OF AGRICULTURE.

Senate Resolution No. 8 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Baker, [Senate Resolution No. 13](#) was called up for third reading and final disposition.

[SENATE RESOLUTION NO. 13](#)
[EIGHTY-FIFTH GENERAL ASSEMBLY](#)
[REGULAR SESSION](#)
[BY: SENATORS BAKER & ARGUE](#)

SENATE RESOLUTION COMMENDING MR. MIKE PICKENS FOR HIS SERVICE IN IRAQ IN RESTRUCTURING THE IRAQI INSURANCE CODE.

[Senate Resolution No. 13](#) was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bryles, [Senate Bill No. 936](#) 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. 936](#)

Amend [Senate Bill No. 936](#) as originally introduced:

Delete everything after the ENACTING CLAUSE and substitute the following:

SECTION 1. Arkansas Code Title 8, Chapter 7 is amended to add an additional subchapter to read as follows:

8-7-1301. Title.

This subchapter shall be known and may be cited as the "Environmental Site Assessment Consultant and Hazardous Substance Response Contractor Certification Act".

8-7-1302. Purpose.

It is the purpose of this subchapter to authorize the Arkansas Department of Environmental Quality to establish and administer a certification program to:

(1) Certify Phase 1 Environmental Site Assessment Consultants;

(2) Certify Comprehensive Site Assessment Consultants and Response Action Contractors undertaking investigations and response actions, respectively, under the Arkansas Hazardous Waste Management Act of 1997, § 8-7-

201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., or the Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup Act, § 8-7-1101 et seq.; and

(3) Require as a condition of certification that such contractors and consultants demonstrate that they have the qualifications required to undertake such activities.

8-7-1303. Definitions.

As used in this subchapter:

(1) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(2) "Comprehensive site assessment" means an assessment to determine the rate, extent, and characteristics of contamination at a site addressed under the Arkansas Hazardous Waste Management Act of 1997, § 8-7-201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., or the Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup Act, § 8-7-1101 et seq.;

(3) "Comprehensive site assessment consultant" means a person that performs a comprehensive environmental site assessment for a fee or in conjunction with other services for which a fee is charged;

(4) "Environmental site assessment" means a Phase I environmental site assessment or a comprehensive site assessment;

(5) "Environmental Site Assessment Consultant" means a person that performs a Phase I environmental site assessment or comprehensive environmental site assessment for a fee or in conjunction with other services for which a fee is charged;

(6) "Response Action Contractor" means a person that is required to obtain a contractor's license pursuant to 17-25-101, et seq, and is responsible for undertaking the physical removal, treatment, or disposal of hazardous substances or environmental media contaminated with hazardous substances associated with a response action at a site addressed under the Arkansas Hazardous Waste Management Act of 1997, § 8-7-201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., or the Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup Act, § 8-7-1101 et seq.; for a fee or in conjunction with other services for which a fee is charged;

(7) "Department" means the Arkansas Department of Environmental Quality;

(8) "Director" means the Director of the Arkansas Department of Environmental Quality;

(9) "Hazardous substance" has the same meaning as set out in § 8-7-503;

(10) "Hazardous waste" has the same meaning as set out in § 8-7-203;

(11) "Person" means any individual, corporation, company, firm, partnership, association, trust, joint-stock company or trust, venture, state or federal government or agency, or any other legal entity however organized;

(12) "Phase I environmental site assessment" means a Phase I environmental site assessment as that term is used in the American Society for Testing and Materials standard E1527-00 as in effect on January 1, 2005; and

(13) "Phase I Consultant" means a person who performs a Phase I environmental site assessment for a fee or in conjunction with other services for which a fee is charged.

8-7-1304. Powers and duties.

(a) The Arkansas Department of Environmental Quality shall:

(1) Establish and administer the Environmental Site Assessment

Consultant and Hazardous Substance Response Contractor Certification Program for response action contractors and Environmental Site Assessment consultants; and

(2) Issue, deny, revoke, condition, or suspend the certification of response action contractors and environmental site assessment consultants under the terms established in this subchapter.

(b) The Arkansas Pollution Control and Ecology Commission shall promulgate necessary regulations to effect the purpose and implementation of the certification program, including, but not limited to:

(A) Provisions governing categories of certification;

(B) Applications for certification;

(C) Continuing education requirements;

(D) Professional and technical standards for certification;

(E) Renewals of certifications;

(F) Procedures for peer committee review and other actions affecting the status of certification; and

(G) Establish reasonable fees.

8-7-1305. Applicability.

(a)(1) Six (6) months after the adoption of rules by the Arkansas Pollution Control and Ecology Commission to implement this subchapter, a person shall not provide services as a Environmental Site Assessment Consultant or a Response Contractor unless those services are performed under the direction and responsible charge of an individual who has obtained a certification under this subchapter.

(2)(A) Until the Environmental Site Assessment Consultant and Hazardous Substance Response Contractor Certification Program is implemented, the Arkansas Department of Environmental Quality should develop and maintain a list of those Environmental Site Assessment Consultants and Response Action Contractors who indicate to the department an intent to apply for certification enumerated under this subchapter.

(B) After the certification program is implemented, the department shall develop and maintain a list of those Environmental Site Assessment Consultants and Response Action Contractors who have a certification under this subchapter.

(C) The department shall make available to the public the lists required under subdivisions (a)(2)(A) and (a)(2)(B) of this section.

(b) The provisions of this section do not prohibit the engagement of an associate, apprentice or an assistant, or a subcontractor if an individual who is certified under this subchapter supervises that associate, apprentice or assistant, or subcontractor and maintains responsibility for the work of that associate, apprentice or assistant, or subcontractor.

(c) This subchapter does not apply to:

(1) Services provided by an employee of a business or public agency relative to the hazardous substance or hazardous waste management, release investigation, or response responsibilities of his or her employer, exclusively, while the employee is acting in the course of his or her employment;

(2) Services provided by an employee of a public agency with the responsibility of regulatory enforcement, emergency response, or protection of public health, welfare, or the environment while the employee is acting in the course of that employment; or

(3) Services provided by a person that is a transporter of hazardous wastes that are:

(A) Designated as the specific responsibility of the transporter of hazardous wastes under the applicable state or federal regulations; or

(B) Necessary to perform the service of transportation of hazardous waste in accordance with the applicable state and federal regulations.

(d) Any environmental site assessment activities performed by a person certified as an environmental site assessment consultant under this subchapter that would constitute the "practice of engineering" as defined in § 17-30-101 shall be performed under the responsible charge of and signed and sealed by a professional engineer registered in the State of Arkansas.

(e) Any environmental site assessment activities performed by a person certified as an environmental site assessment consultant under this subchapter that would constitute the "public practice of geology" as defined in § 17-32-102 shall be performed under the responsible charge of and signed and sealed by a professional geologist registered in the State of Arkansas.

8-7-1306. Certification categories.

(a) The Arkansas Pollution Control and Ecology Commission shall establish by regulation categories of certification under this subchapter.

(b) Categories of certification shall include:

- (1) Phase I Environmental Site Consultant;
- (2) Comprehensive Environmental Site Assessment Consultant; and
- (3) Response Action Contractor.

8-7-1307. Certification criteria and procedure.

(a)(1) The Arkansas Pollution Control and Ecology Commission shall establish by rule criteria for certification as a Environmental Site Assessment Consultant.

(2) The criteria shall incorporate United States Environmental Protection Agency requirements including minimum qualifications for an Environmental Professional who undertake Phase I environmental site assessments, of "all appropriate inquiry" as defined under the Small Business Liability Relief and Brownfields Revitalization Act, Public Law No. 107-118 and the rules promulgated under that federal act that are not inconsistent with this subchapter.

(3) Upon demonstration of compliance with the criteria the applicant shall be eligible for certification as a Phase 1 Environmental Site Assessment Consultant under this subchapter.

(b) The criteria for initial certification of a Phase I Environmental or a Comprehensive Site Assessment Consultant, or both shall provide that:

(1) The license issued to a registered professional engineer or engineering intern meets the requirements for an Environmental Site Assessment Consultant certificate if:

(A) Any professional engineer or engineering intern who performs Phase I Environmental Site Assessment or Comprehensive Site Assessment, or both, as applicable:

(i) Registers with the Arkansas Department of Environmental Quality;

(ii) Submits demonstration of knowledge, training, experience, or any combination of as knowledge, training, and experience as determined by regulations issued under this subchapter; and

(iii) Pays the applicable fees.; or

(B) A professional engineer licensing board has or develops a program recognized by the department as substantially similar to the program created in this subchapter that requires demonstration of knowledge, training, experience, or any combination of as knowledge, training, and experience in the field of Phase 1 Environmental Site Assessments or Comprehensive Site Assessments that satisfies the requirements of the professional licensing board;

(2) The license issued to a professional geologist or geologist-in-training meets the requirements as an Environmental Site Assessment Consultant certificate if:

(A) Any professional geologist or geologist in-training, who performs a Phase I Environmental Site Assessment or Comprehensive Site Assessment, or both, as applicable:

(i) Registers with the Arkansas Department of Environmental Quality;

(ii) Submits demonstration of knowledge, training, experience, or any combination of as knowledge, training, and experience as determined by regulations issued under this subchapter; and

(iii) Pays the applicable fees, or

(B) A professional geologist licensing board has or develops a program recognized by the department as substantially similar to the program created under this subchapter that requires demonstration of knowledge, training, experience, or any combination of as knowledge, training, and experience in the field of Phase 1 Environmental Site Assessments or Comprehensive Site Assessments that satisfies the requirements of the professional licensing board;

(3) The professional geologist or geologist-in-training provides proof of

:

(A) Certification by another state recognized by the department as substantially equivalent for performing Environmental Site Assessments;

(B) Completion of training and receipt of certification or other form of recognition of successful completion of training provided by organizations found by the department to provide training necessary to perform an Environmental Site Assessment; or

(4)(A) The professional geologist or geologist-in-training demonstrates competence by achieving a passing score on an examination administered by the department in accordance with the rules issued under this subchapter or relevant and appropriate criteria as the commission shall deem appropriate, or both.

(B) Any examination administered by the department in accordance with the rules issued under this subchapter are the property of the department and shall remain confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(c) Certification of a professional geologist or geologist in-training as a Comprehensive Site Assessment Consultant shall serve as certification to perform both Phase I Environmental Site Assessments and Comprehensive Site Assessments.

(d)(1) The commission shall establish by rule criteria for certification as a Response Action Contractor.

(2) The criteria for initial certification of a Response Action Contractor shall provide that the applicant has:

(A) A valid license issued by the Arkansas Contractor's Licensing Board;

(B) Demonstrated that he or she has received the training and medical monitoring required by the Occupational Health and Safety Administration for handling hazardous substances;

(C) Either:

(i) Completed training and received a certification or other form of recognition of successful completion of training provided by an organization found by the department to provide training necessary to perform response actions; or

(ii) Proof of certification by another state recognized by the department as having an adequate certification program for response action contractors; and

(D)(i) Demonstrated competency by achieving a passing score on an examination administered by the department in accordance with the rules issued under this subchapter or relevant and appropriate criteria as the commission shall deem appropriate, or both.

(ii) Any examination administered by the department in accordance with the rules issued under this subchapter are the property of the department and shall remain confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(e) The commission shall promulgate rules for renewal of an Environmental Site Assessment Consultant certification that shall provide that certification shall be renewed upon demonstration of the following criteria:

(1)(A) For professional engineers or engineering interns, a valid license to practice engineering and approved continuing education hours; and

(B) For professional geologists or geologist-in-training, a valid license to practice geology and approved continuing education hours;

(2) For those persons with a certification based on certification by another state or organization, demonstration of a current certificate from the approved state or organization and approved continuing education hours; and

(3) For those persons whose certification is based on training from an approved training organization or testing administered by the department, proof of approved continuing education hours.

(f) The commission shall promulgate rules for renewal of a Response Action Contractor certification that shall provide that certification shall be renewed upon demonstration of the following criteria:

(1) A valid license from the Arkansas Contractor's Licensing Board;

(2) Current training and medical monitoring as required by the Occupational Health and Safety Administration for handling hazardous substances;

(3) For those persons whose certification is based on certification by another state or organization, demonstration of a current certificate from the approved state or organization;

(4) For those persons whose certification is based on training from an approved training organization, proof of approved continuing education; and

(5) Other relevant and appropriate criteria as the commission may deem appropriate.

8-7-1308. Unlawful acts.

It is unlawful for any person to:

(1) Make any false statement or representation in any application for certification;

(2) Render inaccurate any certification issued under this subchapter;

or

(3) Solicit or perform the services for which a certification under this subchapter is required without holding a current and valid certification under this subchapter.

8-7-1309. Disciplinary actions and suspension or revocation of certification.

(a) A Response Action Contractor or the Environmental Site Assessment Consultant holding certification issued under this subchapter may be subject to a disciplinary action or the certification may be subject to suspension, condition or revocation if he or she:

(1) Engages in activities subject to licensure under this subchapter and is no longer entitled to the certification by reason of his or her failure to maintain the license or certification on which the certification was issued; or

(2) Demonstrably fails to produce acceptable work for specific activities for which the Response Action Contractor or the Environmental Site Assessment Consultant has been certified under this subchapter.

(b)(1) If the Director of the Arkansas Department of Environmental Quality has sufficient evidence that a Response Action Contractor, professional engineer, professional geologist, or other Environmental Site Assessment consultant licensed

by a state board should be subject to disciplinary action or have his or her certification suspended, conditioned or revoked, the director shall submit the evidence to the licensing board of the contractor or professional involved.

(2) The Arkansas Contractor's Licensing Board may investigate the matter and take such action as it finds to be appropriate and report its findings to the director.

(3) If the licensing board finds, following its procedures for resolving disciplinary proceedings and licensing matters, that action is necessary, the board shall provide appropriate information regarding the actions taken to the director.

(4) The director shall consider the information by the licensing board to determine appropriate action on the certification.

(5) If the department has sufficient evidence under this subsection (b) that a Response Action Contractor or Environmental Site Assessment Consultant should have his or her certification suspended, conditioned or revoked, the director shall provide notice of a proposed action under applicable rules of the Arkansas Pollution Control and Ecology Commission.

(6) The director's decision shall be subject to adjudication before the commission in accordance with administrative procedures adopted by the commission.

(7)(A) If the licensing board finds that the issue presented is not within the licensing board's jurisdiction or otherwise elects not to pursue the matter, the licensing board shall notify the director.

(B) If the licensing board gives notice to the director under subdivision (b)(7)(A) of this section, the peer review procedures outlined in subsection (c) of this section shall apply.

(c)(1) The procedure described in this subsection (c) shall apply for disciplinary action or suspension, conditioned, or revocation of the certification of an Environmental Site Assessment Consultant who does not have a professional license issued by a state board and under the licensing board.

(2) Under this subsection (c), if the department has sufficient evidence that a Response Action Contractor or Environmental Site Assessment Consultant should have his or her certification suspended, conditioned or revoked, the director shall provide notice of a proposed action and advise the person of his or her right to a peer review and a hearing within the time period provided under applicable rules of the commission.

(3) If a request for peer review is made within the allotted timeframe, the commission shall appoint a peer review committee established in accordance with the rules of the commission including, but not limited to representation of at least three (3) certified Response Action Contractors or Environmental Site Assessment Consultants in good standing.

(4)(A) The peer review committee shall conduct an investigation in accordance with procedures established by rules and regulations developed for these purposes by the commission.

(B) The peer review committee shall submit its report to the director and to the consultant or contractor.

(5) The director shall consider the peer review committee report in making a decision.

(6) Under this subsection (c), if the department has sufficient evidence that a Response Action Contractor or Environmental Site Assessment Consultant should have his or her certification suspended, conditioned or revoked, the director shall provide notice of a proposed action under applicable rules of the commission.

(7) The director's decision shall be subject to adjudication before the commission in accordance with administrative procedures adopted by the commission.

8-7-1310. Rules and regulations -- Appeals and hearings.

(a) The procedure of the Arkansas Pollution Control and Ecology Commission for promulgating any rules and regulations, the conduct of hearings, notice, review of actions on certificates, right of appeal, presumptions, finality of actions, and related matters shall be as provided in §§ 8-4-202, 8-4-210 – 8-4-214, and 8-4-218 – 8-4-229 and in the rules and regulations applicable to administrative procedures of the Arkansas Department of Environmental Quality and the commission.

(b) After notice and hearing, the commission shall adopt regulations under this subchapter for the administration and implementation of a certification program for contractors and consultants.

8-7-1311. Fees.

(a)(1) Under regulations promulgated by the Arkansas Pollution Control and Ecology Commission, the Arkansas Department of Environmental Quality may assess fees to participating contractors and consultants.

(2) Fees shall be reasonable and appropriate and subject to periodic review.

(b) All fees collected under this subchapter shall be deposited in the Hazardous Waste Permit Fund, § 19-6-434.

(c) Fees collected under this subchapter shall be used for the purposes of administering this subchapter.”

(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. 936 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 1054** 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. 1054

Amend **Senate Bill No. 1054** as originally introduced:

Page 6, line 26, delete ", including, but not limited to, the following," and substitute "for the following purposes:"

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR JIM ARGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1054 was ordered engrossed.

On motion of Senator Womack, **Senate Bill No. 444** 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. 444

Amend **Senate Bill No. 444** as originally introduced:

Page 2, delete line 18, and substitute the following:

"certified law enforcement officer to conduct an investigation.

(iii) The detention authorized under subdivision (a)(3)(A)(ii) of this section shall not include a physical detention.

(iv) If the seller of alcoholic beverages or the seller's employee attempts to verify the age of the person attempting to purchase alcoholic beverages by way of photographic identification and complies with the provisions of subdivisions (a)(3)(A)(ii) and (iii) of this section, the detention"

(SIGNED) SENATOR SHAWN WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 444 was ordered engrossed.

On motion of Senator Hill, **Senate Bill No. 162** was withdrawn from the Committee on JOINT RETIREMENT AND SOCIAL SECURITY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 162

Amend **Senate Bill No. 162** as originally introduced:

Delete Senator J. Jeffress as lead sponsor of the bill and substitute Senator Hill as lead sponsor of the bill

AND

Add J. Jeffress, Glover, Wooldridge, Broadway, Miller, G. Jeffress as Senate cosponsors of the bill

AND

Add Representatives Childers and Sullivan as House cosponsors of the bill

AND

Page 1, delete line 9, and substitute the following:
"AN ACT TO AMEND THE FINANCING OF THE STATE POLICE RETIREMENT SYSTEM IN ORDER TO ASSIST IN PROVIDING ADDITIONAL SUPPORT FOR RETIREMENT BENEFITS,"

AND

Page 1, line 11, delete "ARKANSAS"

AND

Page 1, delete line 15, and substitute the following:
"AN ACT TO AMEND STATE POLICE FINANCING FOR ADDITIONAL SUPPORT FOR RETIREMENT BENEFITS,"

AND

Page 1, line 17, delete "ARKANSAS"

AND

Delete SECTION 1 in its entirety and substitute the following:
"SECTION 1. Arkansas Code § 27-53-210 is amended to read as follows:
27-53-210. Copies — Fee.

(a) Photostatic or written copies of reports and records may be obtained from the Director of the Department of Arkansas State Police, or from his duly designated assistants, by any person who shall request the department for them in writing.

(b)(1) ~~In order to partially reimburse the department for the cost of making photostatic or written copies of motor vehicle accident reports and of records of traffic violations, there~~ There shall be charged a fee of ten dollars (\$10.00) thirty dollars (\$30.00) for each copy of a basic motor vehicle accident report and one dollar and fifty cents (\$1.50) per page for each copy of supplemental reports.

(2) All funds collected under this subsection shall immediately be paid over by the department to the Treasurer of State ~~and shall be credited by him as a~~ to be credited as follows:

(A) One-third (1/3) shall be credited as special revenue to the Department of Arkansas State Police Fund; and

(B) Two-thirds (2/3) shall be credited as special revenue to the State Police Retirement Fund."

(SIGNED) SENATOR JIM HILL

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 162 was ordered engrossed.

On motion of Senator Holt, **Senate Bill No. 990** 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. 990

Amend **Senate Bill No. 990** as engrossed, S3/15/05:

Delete the title and substitute the following:

"AN ACT TO PROVIDE THAT MECHANICS' AND MATERIALMEN'S LIENS MAY BE CHALLENGED BY DECLARATORY JUDGMENT PROCEEDINGS; TO STANDARDIZE NOTICE REQUIREMENTS OF LIEN FILINGS; TO REQUIRE LIS PENDENS FILING UPON COMMENCING AN ACTION TO FORECLOSE MECHANICS' AND MATERIALMEN'S LIENS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle and substitute the following:

"TO PROVIDE THAT MECHANICS' AND MATERIALMEN'S LIENS MAY BE CHALLENGED BY DECLARATORY JUDGMENT PROCEEDINGS AND TO STANDARDIZE NOTICE REQUIREMENTS OF LIEN FILINGS."

AND

Page 2, delete lines 5 through 7 and substitute the following:

"(B) The service of the account may be made by any:

(i) Officer authorized by law to serve process in civil

actions; or

(ii) Form of mail addressed to the person to be served

with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

AND

Page 2, line 10 delete "— Alternate lien contest"

AND

Page 2 delete lines 29 and 30 and substitute the following:

~~"(B) The notice shall be in writing sent by certified mail with return receipt requested and served by any:~~

(i) Officer authorized by law to serve process in civil

actions; or

(ii) Form of mail addressed to the person to be served

with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

AND

Page 3, delete lines 23 through 36 and substitute the following:

"(f) Nothing in this section shall be construed to limit the right of an owner, mortgagee, or any other person with an interest in the property to contest the lien by declaratory judgment proceedings under § 16-111-101 et seq."

AND

Page 4, delete lines 1 through 8

AND

Page 4, delete lines 13 through 18 and substitute the following:

"(B)(i) This The notice shall be sent to the owner and to the contractor by registered mail, return receipt requested, before seventy-five (75) days have elapsed from the time that the labor was supplied or the material furnished.

(ii) The notice may be served by any:

(a) Officer authorized by law to serve process in civil actions; or

(b) Form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

AND

Delete Section 4 in its entirety and substitute the following:

"SECTION 4. Arkansas Code § 18-44-119 is amended to read as follows:
18-44-119. Limitation of actions.

(a) All actions under this subchapter shall be commenced within fifteen (15) months after filing the lien and prosecuted without unnecessary delay to final judgment.

(b) No lien shall continue to exist by virtue of the provisions of this subchapter for more than fifteen (15) months after the lien is filed, unless within that time:

(1) an An action shall be instituted as described in this subchapter;
and

(2) A lis pendens is filed under § 16-59-101 et seq.

(SIGNED) SENATOR JIM HOLT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 990 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 1015** 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. 1015

Amend **Senate Bill No. 1015** as originally introduced:

Page 2, delete lines 17 through 19 and substitute:

"(vi) A copy of all psychological or psychiatric evaluations or examinations performed on the juvenile admitted into evidence or ordered by the court while under the jurisdiction of the court or the supervision of the court staff;"

AND

Page 2, line 24, delete "(A)" entirely

AND

Page 2, delete lines 28 through 30 entirely

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1015 was ordered engrossed.

On motion of Senator Faris, [House Bill No. 2571](#) 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. 2571](#)

Amend [House Bill No. 2571](#) as originally introduced:
Add Senator Faris as Senate sponsor of the bill

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2571](#) was ordered engrossed.

On motion of Senator Faris, [House Bill No. 2571](#) 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. 2571](#)

Amend [House Bill No. 2571](#) as originally introduced:
Add Senator Faris as Senate sponsor of the bill

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2571](#) was ordered engrossed.

On motion of Senator Salmon, **House Bill No. 2743** 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. 2743

Amend **House Bill No. 2743** as engrossed, H3/11/05:

Add Senator Salmon as a co-sponsor of the bill

AND

Page 2, line 5, delete "(b) Any" and substitute "(b) To the extent funds are specifically appropriated therefor by the General Assembly, any"

(SIGNED) SENATOR MARY A. SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2743 was ordered engrossed.

On motion of Senator G. Jeffress, **House Bill No. 2517** 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. 2517

Amend **House Bill No. 2517** as originally introduced:

Add Senator G. Jeffress as a cosponsor

AND

Page 1, line 32, delete "December 1" and substitute "December 31"

AND

Page 2, line 4, delete "cumulate" and substitute "accumulate"

AND

Page 2, delete lines 18 through 21 entirely

AND

Page 2, line 26, delete "~~(b)~~" and substitute "(b)"

AND

Page 2, line 32, delete "(d)(1)" and substitute "(c)(1)"

AND

Page 2, line 32, delete "my" and substitute "may"

AND

Page 3, line 5, delete "and" and substitute "as"

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR GENE JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2517 was ordered engrossed.

On motion of Senator Baker, [House Bill No. 1262](#) 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. 1262](#)

Amend [House Bill No. 1262](#) as originally introduced:

Page 5, delete line 13, and substitute the following:

"which is not a Saturday, Sunday, or legal holiday.

SECTION 5. Arkansas Code Title 7, Chapter 9, Subchapter 4 is amended to add an additional section to read as follows:

7-9-415. Scope.

Nothing in this subchapter may limit, waive, or abrogate the scope of any statutory or common law privilege, including, but not limited to, the work product doctrine and the attorney-client privilege."

(SIGNED) SENATOR GILBERT BAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 1262](#) was ordered engrossed.

On motion of Senator Malone, **House Bill No. 2629** was placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to HOUSE BILL NO. 2629

Amend **House Bill No. 2629** as engrossed, S3/24/05:

Page 1, delete line 30 and substitute:

"(2) Eight and one-third percent (8 1/3%) shall be credited to the"

AND

Page 1, delete lines 32 and 33 and substitute the following:

"(3) Eight and one-third percent (8 1/3%) shall be credited to the Breast Cancer Research Fund;

(4) Eight and one-third percent (8 1/3%) shall be credited to the Miscellaneous Agencies Fund for the Arkansas Prostate Cancer Foundation; and"

AND

Page 1, on line 34 delete "(4)" and substitute "(5)"

(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. 2629 was ordered engrossed.

On motion of Senator Wilkinson, **House Bill No. 1795** 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. 1795

Amend **House Bill No. 1795** as engrossed, (version: 02-23-2005 09:51):

Page 3, delete lines 21 through 36 and substitute:

" SECTION 3. Arkansas Code § 21-4-213 is amended to read as follows:
21-4-213. Court and jury leave.

(a) Any A state employee serving as a juror or subpoenaed as a witness to give a deposition in a court or hearing not involving personal litigation or service as a paid expert witness outside the scope of state employment in state or federal court shall be entitled to full compensation in addition to any fees paid for such services, and such services or necessary appearances in any court shall not be counted as annual leave.

(b) If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before any body with power to issue a subpoena, the state employee is:

(1) Entitled to his or her salary if the employee is a witness in a matter:

(A) Within the employee's scope of state employment; or

(B)(i) Outside the employee's scope of state employment; and

(ii) The employee is not serving as a paid expert witness

or is not a party to the matter; and

(2) Required to take annual leave to attend the deposition, hearing, or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter.

(c)(1) If a law enforcement officer is subpoenaed to appear at a time when the officer is not scheduled for regular duty:

(A) This section shall not apply; and

(B) A law enforcement officer shall be entitled to retain witness and mileage fees tendered to the officer.

(2) As used in this section, "law enforcement officer" means any public servant vested by law with a duty to maintain public order or to make arrests for offenses."

AND

Page 4, delete lines 1 through 16.

AND

Page 4, insert a blank line at line 17.

AND

Immediately following Section 4, add the following new section:

“SECTION 5. Arkansas Code Title 16, Chapter 43, Subchapter 8 is amended to add a new section to read as follows:

16-43-808. State employee as a witness.

(a) If a state employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing, or before any body with power to issue a subpoena, the state employee is:

(1) Entitled to retain any witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is:

(A) Outside the employee's scope of state employment; or

(B) The employee is a party to the matter other than as a representative of the state employer.

(2) Entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if the matter is:

(A)(i) Within the employee's scope of state employment;

(ii) The employee uses a personal vehicle for travel in obeying the subpoena; and

(iii) The employee's employer does not reimburse the employee for travel expenses; or

(B) Outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.

(b) If the state employee is subpoenaed for purposes under subsection (a) to appear on a non-work day, the employee may retain any witness and mileage fees tendered to him or her.”

(SIGNED) SENATOR JIM LUKER

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1795 was ordered engrossed.

On motion of Senator Wilkinson, **House Bill No. 2498** 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 HOUSE BILL NO. 2498

Amend **House Bill No. 2498** as originally introduced:

Add Senators Critcher and Wooldridge as cosponsors of the bill

AND

Page 1, line 9, delete "REMOVE" and substitute "LIMIT"

AND

Page 1, line 15, delete "REMOVE" and substitute "LIMIT"

AND

Page 2, line 12, delete "(b)" and substitute "(b)(1)(A)"

AND

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

"Class Y or Class A felony;

(B) provided that However, except as provided in subdivision (b)(2) of this section, if the defendant shows by a preponderance of the evidence that he or she stands to the person assisted in the relation of parent, child, brother, sister, ~~corresponding steprelationships of the preceding,~~ husband, or wife, hindering is a Class D felony.

(2) Subdivision (b)(1)(B) of this section shall not apply if the offense of the person assisted is:

(A) Capital murder, as prohibited in § 5-10-101;

(B) Murder in the first degree, as prohibited in §§ 5-10-102;

(C) Kidnapping, as prohibited in § 5-11-102; or

(D) Rape, as prohibited in § 5-14-103."

(SIGNED) SENATOR TIM WOOLDRIDGE

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 HOUSE BILL NO. 2498

Amend **House Bill No. 2498** as originally introduced:
Add Representative Thompson as a cosponsor of the bill

(SIGNED) SENATOR ED WILKINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2498 was ordered engrossed.

On motion of Senator Madison, **House Bill No. 2578** 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. 2578

Amend **House Bill No. 2578** as engrossed, H3/15/05:

Page 2, delete line 26, and substitute the following:

"engage the child in any sexual activity.

(c) This section shall not apply to a person or entity providing an electronic communications service to the public that is used by another person to violate this section unless the person or entity providing an electronic communications service to the public:

- (1) Conspires with another person to violate this section; or
- (2) Knowingly aids and abets the violation of this section."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2578 was ordered engrossed.

On motion of Senator Salmon, [House Bill No. 2116](#) 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. 2116](#)

Amend [House Bill No. 2116](#) as engrossed, H3/7/05:

Add Senator Salmon as cosponsor of the bill

(SIGNED) SENATOR MARY A. SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2116](#) was ordered engrossed.

On motion of Senator Hendren, **House Bill No. 2948** 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. 2948

Amend **House Bill No. 2948** as originally introduced:

Page 1, line 25, delete "marriage" and substitute "covenant marriage"

AND

Page 1, line 26, delete "whether" and substitute "that"

AND

Page 1, line 27, delete "a marriage or"

AND

Page 3, delete line 10 and substitute:
"life, willfully fails to do so.

SECTION 2. Arkansas Code Title 9, Chapter 12, Subchapter 3 is amended to add an additional section to read as follows:

9-12-324. Decree dissolving a covenant marriage.

In all divorce decrees that dissolve a covenant marriage created under the Covenant Marriage Act of 2001, § 9-11-801 et seq., the court shall enter a finding that the marriage being dissolved is a covenant marriage."

AND

Renumber the remaining sections of the bill

(SIGNED) SENATOR KIM HENDREN

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2948 was ordered engrossed.

On motion of Senator Hendren, **House Bill No. 1102** 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. 1102

Amend **House Bill No. 1102** as engrossed, H1/27/05:

Page 2, delete lines 10 and 11, and substitute the following:

"court order;

(8) All records may be released to an attorney in any criminal, civil, or administrative proceeding or to a party in a criminal, civil, or administrative proceeding if the party is not represented by an attorney as permitted under criminal, civil, or administrative discovery rules upon a finding that:

(A) Information in the record is necessary for the determination of a criminal, civil, or administrative issue before a court or grand jury; and

(B) The information cannot be obtained from a person or entity described in subdivision (b)(2) of this section; and

(9) Medical records may be released to a person providing"

AND

Page 2, delete lines 17 through 22, and substitute the following:

"Department of Human Services, a court of competent jurisdiction, or the Attorney General may release reports or information obtained under this section.

(c) Nothing in this section shall deny or diminish the right of an attorney for a party or a party to a criminal, civil, or administrative proceeding to receive discovery as provided in this section in order for the attorney or party to:

(1) Prepare for trial;

(2) File appropriate pleadings; or

(3) Present evidence in court."

(SIGNED) SENATOR KIM HENDREN

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1102 was ordered engrossed.

On motion of Senator Madison, **House Bill No. 1377** 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. 1377

Amend **House Bill No. 1377** as engrossed, H2/16/05:

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

AND

Page 2, line 2, delete "(b)" and substitute "(B)"

AND

Page 2, line 4, delete "(c)" and substitute "(C)"

AND

Page 2, line 5, delete "ordinance" and substitute "ordinance in effect as of the effective date of this subsection (c)."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1377 was ordered engrossed.

On motion of Senator J. Jeffress, **Senate Bill No. 51** 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. 51

Amend **Senate Bill No. 51** as engrossed, S3/1/05:

Page 1, delete line 29 entirely and substitute:

"(a) As used in this section:

(1) "Authorized representative" means a person who is the attorney-in-fact for an owner or a person who has been appointed the administrator or personal representative of the estate of the owner."

AND

Page 1, line 30, delete "(1)" and substitute "(2)"

AND

Page 1, line 31, delete "that:" and substitute "that does one (1) or more of the following:"

AND

Page 2, line 5, delete "and" and substitute "or"

AND

Page 2, line 6, delete "module;" and substitute "module, restraint control module, electronic throttle control, or other similar component;"

AND

Page 2, line 11, delete "or" entirely

AND

Page 2, delete line 13 entirely and substitute:

"vehicle as the purchaser under a security agreement; or

(iv) Who is the authorized representative of the owner."

AND

Page 3, line 6, delete "accessed" and substitute "created"

AND

Page 3, delete line 19 and substitute:

"insured to cooperate with the insurer.

(4) An insurer or lessor of a motor vehicle shall not require an owner to provide written permission for the access or retrieval of information from a motor vehicle event data recorder as a condition of the policy or lease.”

(SIGNED) REPRESENTATIVE JOHNNIE BOLIN

Amendment No. 1 to Senate Bill No. 51, 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 J. Jeffress, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator J. Jeffress, **Senate Bill No. 51** was called up for third reading and final disposition.

SENATE BILL NO. 51

As Engrossed: S2/1/05 S2/9/05 S2/15/05 S2/23/05 S3/1/05 H3/11/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO PRESCRIBE THE OWNERSHIP OF INFORMATION RECORDED *BY AN EVENT* DATA RECORDER IN MOTOR VEHICLES AND TO PROHIBIT THE USE OF THE DATA WITHOUT WRITTEN PERMISSION OF THE OWNER OF THE VEHICLE; AND FOR OTHER PURPOSES.

Senate Bill No. 51 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

Senate Bill No. 51 was ordered enrolled.

On motion of Senator Faris, **Senate Bill No. 401** 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. 401

Amend **Senate Bill No. 401** as engrossed, S3/1/05:

Add Representative Reep as the House sponsor

AND

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

“(4) “Criminal history check” means a criminal history report produced by the Identification Bureau of the Department of Arkansas State Police.”

AND

Page 2, delete lines 1 through 13

AND

Page 5, delete line 30 and substitute the following:

“(f) No ~~Except as provided in subdivision (g)(2) of this section, no~~ person shall be eligible for employment with a state agency in”

AND

Page 5, delete lines 34 through 36 and substitute the following:

“or of any similar offense by a federal court ~~unless the conviction was vacated or reversed.”~~”

AND

Page 6, delete line 1

AND

Page 7, delete line 21 and substitute the following:

"prohibited in § 5-27-605.

(g)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subdivision (f) of this section shall not be considered a conviction or a plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (g)(2) of this section.

(2) Because of the serious nature of the following offenses and the close relationship between the following offenses and the type of work that is to be performed by the applicant, a conviction of one (1) or more of the following offenses by an applicant shall result in permanent disqualification from employment in a designated position:

(A) Capital murder, as prohibited in § 5-10-101;
(B) Murder in the first degree and murder in the second degree, as prohibited in §§ 5-10-102 and 5-10-103;
(C) Kidnapping, as prohibited in § 5-11-102;
(D) Rape, as prohibited in § 5-11-102;
(E) Sexual assault in the first degree and second degree, as prohibited in §§ 5-14-124 and 5-14-125;
(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;
(G) Incest, as prohibited in § 5-26-202;
(H) Arson, as prohibited in § 5-38-301;
(I) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201; and
(J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103."

AND

Page 9, delete line 21 and substitute the following:

"(g) A Except as provided in subdivision (h)(1) of this section, a state agency shall discharge from employment in a designated"

AND

Page 9, delete lines 27 through 29 and substitute the following:

"Act, § 25-15-201 et seq. unless the conviction was vacated or reversed:

AND

Page 11, delete line 13 and substitute the following:

"prohibited in § 5-27-605.

(h)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subdivision (g) of this section shall not be considered a conviction or plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (h)(2) of this section.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification:

(A) Capital murder, as prohibited in § 5-10-101;
(B) Murder in the first degree and murder in the second degree, as prohibited in §§ 5-10-102 and 5-10-103;
(C) Kidnapping, as prohibited in § 5-11-102;
(D) Rape, as prohibited in § 5-11-102;
(E) Sexual assault in the first degree and second degree, as prohibited in §§ 5-14-124 and 5-14-125;
(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;
(G) Incest, as prohibited in § 5-26-202;
(H) Arson, as prohibited in § 5-38-301;
(I) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201; and
(J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103."

AND

Page 16, delete line 3 and substitute the following:

"(f) An expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection (f) shall not be considered a conviction or plea of guilty or nolo contendere to the offense. No person shall be eligible for employment with a state agency in"

AND

Page 16, delete lines 8 through 10 and substitute the following:

"court unless the conviction was vacated, or reversed:"

AND

Page 19, delete line 18 and substitute the following"

"(f) An expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection (f) shall not be considered a conviction or plea of guilty or nolo contendere to the offense. A state agency shall discharge from employment in a designated"

AND

Page 19, delete lines 23 through 25 and substitute the following:

"court unless the conviction was vacated or reversed:"

(SIGNED) REPRESENTATIVE ROBERT REEP

Amendment No. 1 to Senate Bill No. 401, 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 Faris, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Faris, **Senate Bill No. 401** was called up for third reading and final disposition.

SENATE BILL NO. 401
As Engrossed: S2/23/05 S3/1/05 H3/18/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS
BY: REPRESENTATIVE REEP

A Bill for an Act to be Entitled: AN ACT TO AMEND THE CRIMINAL BACKGROUND CHECK ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 401 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. 401 was ordered enrolled.

On motion of Senator Horn, **Senate Bill No. 424** 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. 424

Amend **Senate Bill No. 424** as engrossed, S2/2/405:

Page 4, delete line 28 and substitute the following:

"training course of not less than one hundred (100) hours approved by the board;
and"

(SIGNED) REPRESENTATIVE DARYL PACE

Amendment No. 1 to Senate Bill No. 424, 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 Horn, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Horn, **Senate Bill No. 424** was called up for third reading and final disposition.

SENATE BILL NO. 424
As Engrossed: S2/24/05 H3/16/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS HORN, J. BOOKOUT, CRITCHER, WILKINSON, & WOMACK

BY: REPRESENTATIVES PACE & BORHAUER

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH QUALIFICATIONS AND OVERSIGHT REQUIREMENTS FOR MEDICATION ASSISTIVE PERSONS; AND FOR OTHER PURPOSES.

Senate Bill No. 424 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. 424 was ordered enrolled.

On motion of Senator Broadway, **Senate Bill No. 591** 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. 591

Amend **Senate Bill No. 591** as engrossed, S3/8/05:

Page 5, delete lines 3 through 4, and substitute the following:

"(3) One (1) person who is a registered architect with at least five (5) years of experience in public school design selected from a list of no less than three (3) names of registered architects with at least five (5) years of experience in public school design submitted by the Arkansas Chapter of the American Institute of Architects;"

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) REPRESENTATIVE JODIE MAHONY

Amendment No. 1 to Senate Bill No. 591, 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 Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

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 H3/23/05
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, 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 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, 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 adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 591 was ordered enrolled.

On motion of Senator Steele, **House Bill No. 2041** 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. 2041

Amend **House Bill No. 2041** as engrossed, H3/4/05:

Page 2, line 18, delete "circuit and ~~municipal~~" and substitute "circuit, district, and city and ~~municipal~~"

AND

Page 2, line 19, delete "district"

AND

Page 2, line 24, delete "circuit judge or ~~municipal~~ district judge" and substitute "circuit, district, or city judge or ~~municipal~~ judge"

AND

Page 2, line 29, delete "circuit judge or district judge" and substitute "circuit, district, or city judge"

AND

Page 4, line 2, delete "district court or circuit court" and substitute "court or circuit, district, or city court"

AND

Page 5, line 32, delete "municipal or circuit" and substitute "~~municipal or circuit,~~ district, or city"

AND

Page 6, line 9, delete "circuit and" and substitute "circuit, district, and city"

AND

Page 6, line 10, delete "~~municipal~~ district" and substitute "~~municipal~~"

AND

Page 6, line 14, delete "circuit judge or ~~municipal~~ district judge" and substitute "circuit, district, or city judge or ~~municipal~~ judge"

AND

Page 6, line 19, delete "circuit judge or district" and substitute "circuit, district, or city"
AND

Page 7, line 8, delete "municipal or circuit" and substitute "~~municipal or circuit,~~
district, or city"

(SIGNED) SENATOR TRACY STEELE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2041 was ordered engrossed.

On motion of Senator Critcher, the rules were suspended in considering Senate Bill No. 1145 at this time.

On motion of Senator Critcher, Senate Bill No. 1145 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. 1145

Amend Senate Bill No. 1145 as engrossed, S3/29/05:

Page 2, line 24 delete "twelve (12)" and substitute "twenty-four (24)"

AND

Page 2, line 26 delete "twelve (12)" and substitute "twenty-four (24)"

AND

Page 2, line 28 delete "two hundred fifty (250)" and substitute "one hundred (100)"

AND

Page 3, delete lines 2 and 3

AND

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

AND

Page 3, delete lines 19 through 21 and substitute the following:

"(h) A carrier may petition the commissioner for an exemption from subdivision (b)(1) of this section if complying with subdivision (b)(1) of this section will cause the carrier to be subject to administrative supervision by the commissioner or if the carrier purchased a closed block of business from an insurance company that was under administrative supervision or regulatory oversight by the commissioner."

(SIGNED) SENATOR JACK CRITCHER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1145 was ordered engrossed.

On motion of Senator Hill, the rules were suspended in considering **Senate Bill No. 509** at this time.

On motion of Senator Hill, **Senate Bill No. 509** was withdrawn from the Committee on REVENUE AND TAXATION, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 509

Amend **Senate Bill No. 509** as originally introduced:

Page 2, delete line 2, and substitute the following:
"Arkansas during any part of the tax year;"

AND

Page 2, delete line 4, and substitute the following:
"domicile in Arkansas during any part of the tax year;"

AND

Page 2, delete line 15, and substitute the following:
"share of income of the entity that is derived from or attributable to sources within this state and distributed to each nonresident member. The"

AND

Page 2, line 17, insert "required to be" between "tax" and "withheld"
 AND

Page 2, delete line 19 and substitute the following:
"(B)(i) A lower-tier pass-through entity shall"

AND

Page 2, line 30, delete "seventh" and substitute "sixth"

AND

Page 2, line 32, delete "tenth" and substitute "ninth"

AND

Page 3, line 27, delete "partner" and substitute "member"

AND

Page 4, line 8, delete "February 28" and substitute "the fifteenth day of the fourth month"

AND

Page 4, delete lines 12 and 13 and substitute the following:

"(B) Any additional tax due remaining on the pass-through entity's composite income tax return shall be remitted with the entity's composite return."

(SIGNED) SENATOR JIM HILL

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 509 was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 592** 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. 592

Amend **Senate Bill No. 592** as engrossed, S3/8/05:

Page 3, line 7, delete "and"

AND

Page 3, line 10, delete "by the Governor from the state at large; and" and substitute the following:

"by the Governor from the state at large;

(12) Two (2) members who are employed by telecommunications companies that are members of the Arkansas Telecommunications Association and appointed as follows:

(A) One (1) member shall be employed by a telecommunications company with more than seventy-five thousand (75,000) access lines and shall be appointed by the Governor from a list of three (3) names submitted by the Arkansas Telecommunications Association; and

(B) One (1) member shall be employed by a telecommunications company with less than seventy-five thousand (75,000) access lines and shall be appointed by the Governor from a list of three (3) names submitted by the Arkansas Telecommunications Association; and"

AND

Page 3, line 11, delete "(12)" and substitute "(13)"

(SIGNED) REPRESENTATIVE MAHONY

Amendment No. 1 to Senate Bill No. 592, 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 Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

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 H3/23/05
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, 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. 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 cast.....35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 592 was ordered enrolled.

On motion of Senator Broadway, **Senate Bill No. 593** 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. 593

Amend **Senate Bill No. 593** as engrossed, S3/8/05:

Page 3, line 3 delete "Act ..." and substitute "Act 660"

(SIGNED) REPRESENTATIVE MAHONY

Amendment No. 1 to Senate Bill No. 593, 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 Broadway, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

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 H3/23/05
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 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. 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 enrolled.

On motion of Senator Luker, **Senate Bill No. 937** 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. 937

Amend **Senate Bill No. 937** as originally introduced:

Page 2, line 18 delete "§ 15-55-214(b)." and substitute "§ 16-55-214(b)."

(SIGNED) REPRESENTATIVE CHILDERS

Amendment No. 1 to Senate Bill No. 937, 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. 937** was called up for third reading and final disposition.

SENATE BILL NO. 937
As Engrossed: H3/21/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO PRESERVE THE MASTER SETTLEMENT AGREEMENT FUNDS BY LIMITING APPEAL BONDS;

Senate Bill No. 937 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. 937 was ordered enrolled.

On motion of Senator Womack, the rules were suspended in considering [House Bill No. 1445](#) at this time.

On motion of Senator Womack, [House Bill No. 1445](#) 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. 1445

Amend [House Bill No. 1445](#) as originally introduced by:

Add Representative Medley as a cosponsor of the bill

AND

Add Senator Womack as a cosponsor of the bill

(SIGNED) SENATOR WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 1445](#) was ordered engrossed.

On motion of Senator Womack, the rules were suspended in considering **Senate Bill No. 1176** at this time.

On motion of Senator Womack, **Senate Bill No. 1176** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1176

Amend **Senate Bill No. 1176** as originally introduced:

Page 1, line 28, after “period.” add “If the firefighter is on duty for twelve (12) hours or more in a twenty-four (24) hour period, a working day shall be not less than twelve (12) hours or more then twenty-four (24) hours.”

AND

Page 1, delete lines 35 and 36 and substitute the following:

“(2) If unused, sick leave shall accumulate to a maximum of ~~sixty (60) days~~ one thousand four hundred forty (1440) hours unless the city, by ordinance, authorizes the accumulation of a greater amount, in no event to exceed a maximum accumulation of ~~ninety (90) days~~ two thousand one hundred sixty (2160) hours; ~~except.~~ Unused accumulated sick leave shall not be used for the purpose of computing years of service for retirement purposes.”

AND

Page 2, delete lines 1 through 3

AND

Page 2, delete line 8 and substitute the following:

“(2) If the governing body of the employing municipality sucessfully reduces the accrual rate, no firefighter shall have any previously earned sick leave reduced in value.

~~(2)~~(3) Time off may be charged against accumulated sick leave only”

AND

Page 2, delete lines 23 through 27 and substitute the following:

“firefighters to accumulate at a rate of fifteen (15) twenty-four (24) hour working days per year beginning with the date of employment and decreasing to twelve (12) twenty-four (24) hour working days beginning four (4) years after employment.

Unused sick leave shall accumulate to firefighters provided with fifteen (15) and twelve (12) working days per year sick leave to a maximum of one hundred (100) twenty-four (24) hour working days.”

(SIGNED) SENATOR WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1176 was ordered engrossed.

On motion of Senator Bookout, **Senate Bill No. 167** was withdrawn from the Committee on REVENUE AND TAXATION, and placed on the Calendar.

On motion of Senator Bookout, and without objection, **Senate Bill No. 167** was recommended for study in the interim by Senate Interim Committee on PUBLIC HEALTH, WELFARE AND LABOR.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 12,
BY SENATORS HIGGINBOTHOM, LUKER,
SENATE BILL NO. 57, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 68, BY SENATOR FARIS,
SENATE BILL NO. 75, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 243, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 276, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 328, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 335, BY SENATOR BROADWAY,
SENATE BILL NO. 543, BY SENATOR MILLER,
SENATE BILL NO. 575, BY SENATORS WOMACK, ALTES,
SENATE BILL NO. 658, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 812, BY SENATOR LAVERTY,
SENATE BILL NO. 1022, BY SENATOR MADISON,
SENATE BILL NO. 1080, BY SENATOR HIGGINBOTHOM,
SENATE BILL NO. 1148, BY SENATOR BROWN,
SENATE BILL NO. 1152, BY SENATOR FARIS,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE CONCURRENT RESOLUTION NO. 12

SENATE BILL NO. 57,
SENATE BILL NO. 68,
SENATE BILL NO. 75,
SENATE BILL NO. 243,
SENATE BILL NO. 276,
SENATE BILL NO. 328,
SENATE BILL NO. 335,
SENATE BILL NO. 543,
SENATE BILL NO. 575,
SENATE BILL NO. 658,
SENATE BILL NO. 812,
SENATE BILL NO. 1022,
SENATE BILL NO. 1080,
SENATE BILL NO. 1148,
SENATE BILL NO. 1152,

RECEIVED the above papers from the Secretary of the Senate this 29th day of
March, 2005 at 9:50 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

On motion of Senator Smith, **Senate Bill No. 1174** was called up for third reading and final disposition.

**SENATE BILL NO. 1174
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH**

A Bill for an Act to be Entitled: AN ACT TO AMEND § 5-71-212 CONCERNING PUBLIC INTOXICATION; TO AMEND THE PROHIBITION ON PUBLIC DRINKING OF ALCOHOLIC BEVERAGES TO ALLOW THE CREATION OF CERTAIN DESIGNATED AREAS IN CITIES AND TOWNS THAT WOULD ALLOW PUBLIC DRINKING; AND FOR OTHER PURPOSES.

Senate Bill No. 1174 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, Critcher, Faris, Higginbothom, Hill, Horn, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wilkinson, Womack, Mr. President.

Total26

NEGATIVE: Altes, Capps, Glover, Hendren, Holt, G. Jeffress, Taylor, Trusty, Wooldridge.

Total9

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

Senator Smith moved that the vote by which **Senate Bill No. 1174** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

Senate Bill No. 1174 was ordered immediately transmitted to the House as passed.

STATE OF ARKANSAS
ARKANSAS SENATE

State Capitol
Little Rock, Arkansas 72201

March 29, 2005

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

Dear Ms. Cornwell,

During session on Tuesday 29, 2005, Senate Bill No. 1174 was brought up for 3rd reading and vote. I was recorded as voting for this bill. My intent was to be recorded as voting NO on this piece of legislation. Please file this letter in the Senate Journal along with the roll call that was taken on Senate Bill No. 1174.

Thank you,

Senator Shawn Womack
District 1

On motion of Senator Higginbothom, **Senate Bill No. 1028** was called up for third reading and final disposition.

**SENATE BILL NO. 1028
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HIGGINBOTHOM**

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE CONTINUATION OF EFFORTS TO CLOSE THE ACHIEVEMENT GAPS IN SCHOOL DISTRICTS SUBJECT TO REORGANIZATION OR RECLASSIFICATION; AND FOR OTHER PURPOSES.

Senate Bill No. 1028 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. 1028 was ordered immediately transmitted to the House as passed.

On motion of Senator Wooldridge, **Senate Bill No. 437** was called up for third reading and final disposition.

SENATE BILL NO. 437

As Engrossed: S3/28/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS WOOLDRIDGE, J. BOOKOUT, J. JEFFRESS, G. JEFFRESS, & WILKINSON

BY: REPRESENTATIVES MALOCH, FITE, HARRIS, MAHONY, M. MARTIN, WILLIS, THOMASON, ADAMS, DAVENPORT, GEORGE, HARRELSON, & WALTERS

A Bill for an Act to be Entitled: AN ACT TO CREATE A DIVISION OF AGRICULTURAL PROMOTION AND MARKETING WITHIN THE STATE PLANT BOARD; AND FOR OTHER PURPOSES.

Senate Bill No. 437 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.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT: Holt.	
Total	1
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. 437 was ordered immediately transmitted to the House as passed.

On motion of Senator Lavery, **Senate Bill No. 953** was called up for third reading and final disposition.

**SENATE BILL NO. 953
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE DIVISION OF EXPENSES OF THE JASPER DISTRICT COURT; AND FOR OTHER PURPOSES.

Senate Bill No. 953 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

Senate Bill No. 953 was ordered immediately transmitted to the House as passed.

On motion of Senator Faris, **House Bill No. 2661** was called up for third reading and final disposition.

**HOUSE BILL NO. 2661
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE REEP**

A Bill for an Act to be Entitled: AN ACT TO EXTEND THE PERIOD DURING WHICH CARRYOVER FUNDS MAY BE RETAINED TO NOT MORE THAN TEN (10) YEARS AFTER THE LAST DAY THAT THE PERSON HELD OFFICE; TO AMEND ARKANSAS CODE 7-6-203 THAT RESULTED FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

House Bill No. 2661 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. 2661 was ordered immediately returned to the House as passed.

On motion of Senator Womack, **House Bill No. 2577** was called up for third reading and final disposition.

**HOUSE BILL NO. 2577
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRADFORD**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE MINIMUM STAFFING STANDARDS FOR NURSING FACILITIES; TO ENSURE RESIDENTS CARE NEEDS; TO CLARIFY PENALTIES; AND FOR OTHER PURPOSES.

House Bill No. 2577 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, Bryles, Capps, Critcher, Faris, Glover, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total29

NEGATIVE: Hendren.

Total1

ABSENT OR NOT VOTING: Bisbee, Higginbothom, Miller, Wilkins, Mr. President.

Total5

VOTING PRESENT:

Total0

Total number of votes cast30

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. 2577 was ordered immediately returned to the House as passed.

On motion of Senator G. Jeffress, **House Bill No. 2048** was called up for third reading and final disposition.

**HOUSE BILL NO. 2048
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE JEFFREY**

A Bill for an Act to be Entitled: AN ACT CONCERNING APPROVAL OF MOTOR VEHICLE RACING FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 2048 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:

Total0

ABSENT OR NOT VOTING: Holt.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

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. 2048 was ordered immediately returned to the House as passed.

On motion of Senator Taylor, **House Bill No. 2086** was called up for third reading and final disposition.

HOUSE BILL NO. 2086
As Engrossed S3/7/05 S3/22/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE CLEMONS
BY: SENATOR J. TAYLOR

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT NITROUS OXIDE SHALL NOT BE USED IN ANY MOTOR VEHICLE OR MOTORCYCLE DRIVEN ON THE STREETS OR HIGHWAYS; TO MAKE THE USE OF NITROUS OXIDE IN A MOTOR VEHICLE OR MOTORCYCLE THAT IS DRIVEN IN A RACE ON THE STREETS OR HIGHWAYS AN ADDITIONAL OFFENSE; TO PRESCRIBE PENALTIES FOR THE USE OF NITROUS OXIDE IN MOTOR VEHICLES OR MOTORCYCLES DRIVEN ON THE STREETS OR HIGHWAYS; AND FOR OTHER PURPOSES.

House Bill No. 2086 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, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Holt, Horn, J. Jeffress, B. Johnson, Laverty, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkinson, Wooldridge, Mr. President.

Total28

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING: Bisbee, Hill, G. Jeffress, Luker, Wilkins, Womack.

Total6

VOTING PRESENT:

Total0

Total number of votes cast29

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. 2086 was returned to the House as passed as amended.

On motion of Senator Brown, **House Bill No. 2668** was called up for third reading and final disposition.

HOUSE BILL NO. 2668
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES W. LEWELLEN, ADCOCK, BLOUNT, CHESTERFIELD,
DOBBINS, ELLIOTT, J. JOHNSON, & L. SMITH

A Bill for an Act to be Entitled: AN ACT TO CREATE A CERVICAL CANCER TASK FORCE; TO COORDINATE STATEWIDE EFFORTS TO COMBAT THE DEBILITATING EFFECTS OF CERVICAL CANCER ON FEMALE ARKANSANS; TO IMPROVE HEALTH CARE FOR CERVICAL CANCER VICTIMS; AND FOR OTHER PURPOSES.

House Bill No. 2668 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:

Total0

ABSENT OR NOT VOTING: Holt.

Total1

VOTING PRESENT:

Total0

Total number of votes cast.....34

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. 2668 was ordered immediately returned to the House as passed.

On motion of Senator Bryles, **House Bill No. 1867** was called up for third reading and final disposition.

**HOUSE BILL NO. 1867
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION**

**BY: REPRESENTATIVES MAHONY, BLOUNT, BRADFORD, CHESTERFIELD,
ELLIOTT, FITE, J. JOHNSON, & SAUNDERS**

A Bill for an Act to be Entitled: AN ACT TO RESTRICT SCHOOL DISTRICTS FROM EMPLOYING RELATIVES OF BOARD MEMBERS; AND FOR OTHER PURPOSES.

House Bill No. 1867 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Higginbothom, Hill, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, Trusty, Whitaker, Wilkins, Mr. President.

Total19

NEGATIVE: Critcher, Faris, Glover, Hendren, Horn, B. Johnson, Taylor.

Total7

ABSENT OR NOT VOTING: Bookout, Holt, G. Jeffress, Lavery, T. Smith, Steele, Wilkinson, Womack, Wooldridge.

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

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

There being an emergency clause attached to **House Bill No. 1867**, 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, Broadway, Brown, Bryles, Capps, Higginbothom, Hill, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, Trusty, Whitaker, Wilkins, Mr. President.

Total19

NEGATIVE: Critcher, Faris, Glover, Hendren, Horn, B. Johnson, Taylor.

Total7

ABSENT OR NOT VOTING: Bookout, Holt, G. Jeffress, Lavery, T. Smith, Steele, Wilkinson, Womack, Wooldridge.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....26

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause failed.

(SIGNED) ANN CORNWELL, SECRETARY

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

The record pertaining to the vote by which Emergency Clause on **House Bill No. 1867** failed was expunged, in accordance with a prevailing motion on March 29, 2005.

On motion of Senator Malone, **House Bill No. 2450** was called up for third reading and final disposition.

**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 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 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 **House Bill No. 2450**, 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, 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 adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2450 was ordered immediately returned to the House as passed.

On motion of Senator Hill, **House Bill No. 2858** was called up for third reading and final disposition.

**HOUSE BILL NO. 2858
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BOND**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ASSESSMENT COORDINATION DEPARTMENT TO ADOPT AND IMPLEMENT BY RULES FINAL SPECIFICATIONS FOR COMPUTER ASSISTED MASS APPRAISAL SOFTWARE; AND FOR OTHER PURPOSES.

House Bill No. 2858 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 **House Bill No. 2858**, 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. 2858 was ordered immediately returned to the House as passed.

On motion of Senator Bryles, **House Bill No. 2688** was called up for third reading and final disposition.

**HOUSE BILL NO. 2688
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE D. JOHNSON**

A Bill for an Act to be Entitled: AN ACT CONCERNING PARENTAL NOTIFICATION BY SCHOOL PERSONNEL; AND FOR OTHER PURPOSES.

House Bill No. 2688 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, Broadway, Brown, Bryles, Capps, Faris, Glover, Hendren, Higginbothom, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, Trusty, Whitaker, Wooldridge, Mr. President.

Total26

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bookout, Critcher, Hill, T. Smith, Steele, Taylor, Wilkins, Wilkinson, 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

House Bill No. 2688 was ordered immediately returned to the House as passed.

On motion of Senator Glover, **House Bill No. 2581** was called up for third reading and final disposition.

**HOUSE BILL NO. 2581
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SCHULTE**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT A MOTOR HOME OR CAMPING TRAILER MAY BE MOVED IF IT HAS AN APPURTENANCE THAT EXCEEDS NO MORE THAN SIX INCHES (6"); TO DEFINE APPURTENANCE; AND FOR OTHER PURPOSES.

House Bill No. 2581 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. 2581 was ordered immediately returned to the House as passed.

On motion of Senator Glover, **House Bill No. 2796** was called up for third reading and final disposition.

**HOUSE BILL NO. 2796
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES L. EVANS, BOLIN, & ROEBUCK**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW PERTAINING TO USED MOTOR VEHICLE DEALERS; AND FOR OTHER PURPOSES.

House Bill No. 2796 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. 2796 was ordered immediately returned to the House as passed.

STATE OF ARKANSAS
ARKANSAS SENATE

State Capitol
Little Rock, Arkansas 72201

March 29, 2005

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

Dear Ms Cornwell,

During session on Tuesday March 29, 2005, House Bill No. 2796 was brought up for 3rd reading and vote. I was recorded as voting for this bill. My intent was to be recorded as voting PRESENT on this piece of legislation. Please file this letter in the Senate Journal along with the roll call that was taken on House Bill NO. 2796.

Thank you,

Senator Jim Holt
District 35

On motion of Senator Altes, the rules were suspended in considering **Senate Bill No. 976** at this time.

On motion of Senator Altes, **Senate Bill No. 976** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE AND LABOR, and placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 976

Amend **Senate Bill No. 976** as engrossed, S3/29/05:

Add Representative Key as a cosponsor of the bill

AND

Page 3, delete line 20 and substitute the following:

"healthcare modalities that are not a part of allopathic medicine or osteopathy and include,"

AND

Page 3 delete lines 30 and 31 and substitute the following:

"nature such as herbs and herbal products;"

AND

Page 7, delete lines 7 and 8 and substitute the following:

"(H) Allopathic medicine;

(I) Osteopathy;

(J) Nutrition services as defined in the Dietetics Practice Act, §

17-83-101 et seq.;

(K) Medical nutrition therapy;

(L) Nutrition care process; or

(M) Any other healing art licensed in Arkansas;"

(SIGNED) SENATOR ALTES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 976 was ordered engrossed.

On motion of Senator J. Jeffress, the rules were suspended in considering [House Bill No. 2789](#) at this time.

On motion of Senator J. Jeffress, [House Bill No. 2789](#) 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. 2789](#)

Amend [House Bill No. 2789](#) as originally introduced by:

Add Senator G. Jeffress as a cosponsor

(SIGNED) SENATOR G. JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2789](#) was ordered engrossed.

Senator Bryles moved that the record pertaining to the vote by which Emergency Clause on [House Bill No. 1867](#) failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Bryles a roll call was requested upon the adoption of the emergency clause on **House Bill No. 1867**.

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

AFFIRMATIVE: Altes, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Mr. President.

Total27

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Baker, Critcher, Faris, B. Johnson, Lavery, T. Smith, Steele, Wooldridge.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1867 was ordered immediately returned to the House as passed.

On motion of Senator Capps, **House Bill No. 1246** was ordered re-referred to the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

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

BILL H. STOVALL,III, SPEAKER
TIM MASSANELLI, PARLIAMENTARIAN JO RENSHAW, CHIEF CLERK

March 29, 2005

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

Dear Ms. Cornwell:

The House of Representatives respectfully requests the return to the House, of House Bill 1177.

Respectfully submitted,

(SIGNED) JO RENSHAW
Chief Clerk, House of Representatives

On motion of Senator Bryles, and without objection, the House was requested to return **House Bill No. 2475** for further consideration.

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

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

March 29, 2005

The Honorable Jo Renshaw
Chief Clerk
State Capitol
Little Rock, AR

Dear Ms. Renshaw :

The Senate respectfully requests the return to the Senate, of **House Bill No. 2475**.

Respectfully submitted,

(SIGNED) ANN CORNWELL
Secretary of the Senate

AC:as

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 162, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 509, BY SENATOR HILL,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator J. Jeffress, **Senate Bill No. 162** was ordered re-referred to the Committee on REVENUE AND TAXATION.

On motion of Senator Hill, **Senate Bill No. 509** was ordered re-referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 444, BY SENATOR WOMACK,
SENATE BILL NO. 990, BY SENATOR HOLT,
SENATE BILL NO. 1015, BY SENATOR MADISON,
SENATE BILL NO. 1054, BY SENATOR SALMON,
SENATE BILL NO. 1176, BY SENATOR WOMACK,

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 29, 2005

Mr. President:

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

HOUSE BILL NO. 1102, BY REPRESENTATIVE T. HUTCHINSON,
HOUSE BILL NO. 1262, BY REPRESENTATIVE ROSENBAUM,
HOUSE BILL NO. 1377, BY REPRESENTATIVE VERKAMP,
HOUSE BILL NO. 1445, BY REPRESENTATIVE JEFFREY,
HOUSE BILL NO. 1795, BY REPRESENTATIVE LEDBETTER,
HOUSE BILL NO. 2041, BY REPRESENTATIVE CHILDERS,

HOUSE BILL NO. 2116, BY REPRESENTATIVE THOMPSON,
 HOUSE BILL NO. 2498, BY REPRESENTATIVE ROGERS,
 HOUSE BILL NO. 2517, BY REPRESENTATIVE PICKETT,
 HOUSE BILL NO. 2571, BY REPRESENTATIVE BURRIS,
 HOUSE BILL NO. 2578, BY REPRESENTATIVE J. MARTIN,
 HOUSE BILL NO. 2743, BY REPRESENTATIVE WOOD,
 HOUSE BILL NO. 2948, BY REPRESENTATIVE J. MARTIN,

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 29, 2005

Mr. President:

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

HOUSE BILL NO. 2629, BY REPRESENTATIVE BOND,

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 Malone, House Bill No. 2629 was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

House Bill No. 1177 was ordered returned to the House as requested.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 936, BY SENATOR WOOLDRIDGE,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

House Bill No. 1177 was ordered returned to the House as requested.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

HOUSE BILL NO. 2789, BY REPRESENTATIVE MEDLEY,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 29, 2005

Mr. President:

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

SENATE BILL NO. 976, BY SENATOR ALTES,
SENATE BILL NO. 1145, BY SENATOR CRITCHER,

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 Altes, **Senate Bill No. 976** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Critcher, **Senate Bill No. 1145** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1306
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

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

House Bill No. 1306 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1837
As Engrossed: H3/25/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES J. HUTCHINSON & SAMPLE

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 HOT SPRINGS VILLAGE VOLUNTEER FIRE DEPARTMENT; AND FOR OTHER PURPOSES.

House Bill No. 1837 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 2095
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROEBUCK

A Bill for an Act to be Entitled: AN ACT TO AMEND REPORTING ON EMOTIONALLY DISTURBED YOUTH; AND FOR OTHER PURPOSES.

House Bill No. 2095 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. 2172
As Engrossed: H3/25/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRIGHT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES FOR THE STEREOTACTIC BREAST BIOPSY PROGRAM AND THE PARTNERS FOR INCLUSIVE COMMUNITIES PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 2172 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 2431

As Engrossed: H3/7/05 H3/22/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES MATAYO, MATHIS, & ANDERSON

A Bill for an Act to be Entitled: AN ACT TO RENAME THE ARKANSAS DEPARTMENT OF HUMAN SERVICES; TO MERGE THE ARKANSAS DEPARTMENT OF HEALTH INTO THE ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO CREATE THE DIVISION OF HEALTH WITHIN THE ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 2431 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. 2445

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES LEDBETTER, J. HUTCHINSON, BOLIN, ELLIOTT, &
KEY

BY: SENATORS BROADWAY & MALONE

A Bill for an Act to be Entitled: AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND NATURAL RESOURCES IN THE DESIGN OF STATE BUILDING PROJECTS THROUGH THE USE OF SUSTAINABLE BUILDING RATING SYSTEMS; AND FOR OTHER PURPOSES.

House Bill No. 2445 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 2452
As Engrossed: H3/22/05 H3/28/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROEBUCK

A Bill for an Act to be Entitled: *AN ACT TO ENSURE THE CONTINUITY OF MENTAL HEALTH SERVICES FOR JUVENILES IN THEIR COMMUNITIES; TO ADDRESS THE OUT-OF-STATE PLACEMENT OF CHILDREN FOR MENTAL HEALTH SERVICES AND TREATMENT; TO CLARIFY THE REQUIREMENTS FOR AN ASSESSMENT OR SCREENING; AND FOR OTHER PURPOSES.*

House Bill No. 2452 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. 2535
As Engrossed: H3/17/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROEBUCK

A Bill for an Act to be Entitled: *AN ACT TO CREATE THE COMPREHENSIVE CHILDREN'S BEHAVIORAL HEALTH SYSTEM OF CARE PLAN; AND FOR OTHER PURPOSES.*

House Bill No. 2535 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. 2623
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES J. MARTIN & WOOD

A Bill for an Act to be Entitled: AN ACT CONCERNING THE REVIEW OF THE EFFICIENT OPERATION OF STATE GOVERNMENT; AND FOR OTHER PURPOSES.

House Bill No. 2623 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. 2850
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PACE

A Bill for an Act to be Entitled: AN ACT TO REQUIRE ALL NEW EMPLOYEES OF THE STATE OF ARKANSAS TO BE PAID BY ELECTRONIC DIRECT DEPOSIT; AND FOR OTHER PURPOSES.

House Bill No. 2850 was read the first time, rules suspended, read the second time and referred to the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Senate Bills returned from the House as passed and ordered enrolled.

SENATE BILL NO. 46

SENATE BILL NO. 150

SENATE BILL NO. 153

SENATE BILL NO. 817

SENATE BILL NO. 1075

SENATE BILL NO. 1082

SENATE BILL NO. 1098

Senate Bill No. 74 was returned from the House as passed as amended.

On motion of Senator Womack, **Senate Bill No. 74** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

Senate Bill No. 380 was returned from the House as passed as amended.

On motion of Senator Steele, **Senate Bill No. 380** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

Senate Bill No. 489 was returned from the House as passed as amended.

On motion of Senator Bisbee, **Senate Bill No. 489** was ordered re-referred to the Committee on INSURANCE AND COMMERCE.

Senate Bill No. 1083 was returned from the House as passed as amended.

On motion of Senator Bisbee, **Senate Bill No. 1083** was ordered re-referred to the Committee on EDUCATION.

Senate Bill No. 1091 was returned from the House as passed as amended.

On motion of Senator Altes, Senate Bill No. 1091 was ordered re-referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

HOUSE BILL NO. 2906
As Engrossed: H3/15/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SAUNDERS

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE FOR INCENTIVES TO THE COMMUNITY HOSTING HIGH IMPACT SOLID WASTE MANAGEMENT FACILITIES; TO CLARIFY THE DEFINITION OF "HOST COMMUNITY" UNDER § 8-6-1501; AND FOR OTHER PURPOSES.*

House Bill No. 2906 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 437
SENATE BILL NO. 953
SENATE BILL NO. 1028
SENATE BILL NO. 1174

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 10

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1867

HOUSE BILL NO. 2048

HOUSE BILL NO. 2450

HOUSE BILL NO. 2577

HOUSE BILL NO. 2581

HOUSE BILL NO. 2661

HOUSE BILL NO. 2668

HOUSE BILL NO. 2688

HOUSE BILL NO. 2796

HOUSE BILL NO. 2858

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 2086 as Amended No. 1 and No. 3

HOUSE BILLS RETURNED TO THE HOUSE
AS REQUESTED

HOUSE BILL NO. 1177

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 46
SENATE BILL NO. 150
SENATE BILL NO. 153
SENATE BILL NO. 817
SENATE BILL NO. 1075
SENATE BILL NO. 1082
SENATE BILL NO. 1098

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED AS AMENDED

SENATE BILL NO. 74, AS AMENDED NO. 1
SENATE BILL NO. 380, AS AMENDED NO. 1
SENATE BILL NO. 489, AS AMENDED NO. 1
SENATE BILL NO. 1083, AS AMENDED NO. 1
SENATE BILL NO. 1091, AS AMENDED NO. 1

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1306
HOUSE BILL NO. 1837
HOUSE BILL NO. 2095
HOUSE BILL NO. 2172
HOUSE BILL NO. 2445
HOUSE BILL NO. 2452
HOUSE BILL NO. 2535
HOUSE BILL NO. 2623
HOUSE BILL NO. 2850
HOUSE BILL NO. 2906

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED, EMERGENCY CLAUSE HAVING FAILED OF ADOPTION
HOUSE BILL NO. 2431

On motion of Senator Hill, the Senate adjourned until 1:30 p.m., Wednesday, March 31, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

