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

Little Rock, Arkansas

March 30, 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 Randolph Martin, Union AME Church, Little Rock, Arkansas.

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On motion of Senator J. Jeffress, **Senate Bill No. 69** was withdrawn from the Committee on JOINT RETIREMENT AND SOCIAL SECURITY, and placed back on second reading for purpose of Amendment No. 2.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. 69

Amend **Senate Bill No. 69** as engrossed, S1/31/05:

Immediately after SECTION 2, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 24-4-101(15), concerning definitions under the Arkansas Public Employees' Retirement System laws, is amended to read as follows:

(15)(A) "Credited service" means the sum of the prior service and current service to the extent credited a member by the board, in accordance with the provisions of § 24-4-521.

(B) Any member first hired on or after July 1, 2005, to a covered position whose service is credited at a rate other than that defined in § 24-4-101(2) shall accrue that credit on no more than ten (10) actual years of service."

AND

Page 3, delete lines 19 through 21

AND

Page 3, line 22, delete "(c)" and substitute "(b)"

AND

Page 3, line 33, delete "(d)" and substitute "(c)"

AND

Appropriately renumber the sections of the bill

(SIGNED) J. JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 69 was ordered engrossed.

On motion of Senator Smith, **Senate Bill No. 556** was withdrawn from the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 556

Amend **Senate Bill No. 556** as originally introduced:

Page 1, line 26, delete "Rehabilitation Services." and substitute "Rehabilitation Services. The Director of the Department of Workforce Education and Rehabilitation Services shall designate an identifiable division within the department that shall be known as the Division of Rehabilitation Services."

AND

Page 1, line 34, delete "Services." and substitute "Services who may delegate the powers, authorities, duties, and functions as necessary and desirable for the administration and operation of the state plan for vocational rehabilitation services."

AND

Page 2, line 15, delete "Director" and substitute "Director of the Division of Rehabilitation Services"

AND

Page 2, delete line 21, and substitute the following:
"reference is manifest.

(d) Nothing in this act is intended to affect the administration of operations and administration of the Division of State Services for the Blind of the Department of Human Services or the services that the division provides to individuals who are blind or visually handicapped under the state plan for vocational rehabilitation services."

AND

Page 2, line 34, delete "(b)(a)" and substitute "(b)(a)(1)"

AND

Page 2, line 36, delete "rehabilitation services" and substitute "vocational rehabilitation services"

AND

Page 3, delete line 5, and substitute the following:
"and integration into society.

(2)(A) The Director of the Department of Workforce Education and Rehabilitation Services shall designate an identifiable division within the department that shall be known as the Division of Rehabilitation Services. The division is responsible for the administration of the state plan for vocational rehabilitation services as it applies to individuals with disabilities who are not blind or visually handicapped. The division shall have the same authority and responsibility with respect to the administration and operation of vocational rehabilitation services for individuals with disabilities as other divisions of the department have with respect to the administration and operation of other programs of the department.

(B) The Division of State Services for the Blind of the Department of Human Services is responsible for the administration of the state plan for vocational rehabilitation services as it applies to individuals who are blind or visually handicapped."

AND

Page 3, line 14, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 3, line 16, delete "State Board" and substitute "Department of Workforce Education and Rehabilitation Services and the State Board"

AND

Page 4, line 20, delete "Services;" and substitute "Services or his or her designee;"

AND

Page 5, line 11, delete "~~the Arkansas Rehabilitation Services of~~" and substitute "the Arkansas Division of Rehabilitation Services of"

AND

Page 5, line 20, delete "~~of the Arkansas Rehabilitation Services~~" and substitute "of the Arkansas Rehabilitation Services"

AND

Page 5, line 21, delete "department;" and substitute "~~department~~ division;"

AND

Page 6, line 24, delete "Arkansas Rehabilitation Services;" and substitute "Arkansas Rehabilitation Services the Division of Rehabilitation Services of the Department of Workforce Education and Rehabilitation Services;"

AND

Page 6, line 26, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 7, line 9, delete "Department" and substitute "The Division of Rehabilitation Services of the Department"

AND

Page 7, line 12, delete "Department of Workforce Education and Rehabilitation Services" and substitute "the division"

AND

Page 7, line 27, delete "Arkansas Rehabilitation Services" and substitute "Arkansas Rehabilitation Services division"

AND

Page 7, line 29, delete "Department of Workforce Education and Rehabilitation Services" and substitute "division"

AND

Page 8, delete lines 29 through 36, and substitute the following:

~~(1) "Blind person" means a person who has:~~
 (A) ~~Not more than 20/200 central visual acuity in the better eye after correction; or~~
 (B) ~~An equally disabling loss of the visual field;~~
 (2)(1) "Director" means the Director of the Arkansas Division of Rehabilitation Services who may, at the discretion of the appropriate division of the Department of Human Services, be designated Executive Officer for the Arkansas Rehabilitation Services of the Department of Workforce Education and

AND

Page 9, line 2, delete "(3)" and substitute "~~(3)~~(2)"

AND

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

"attendant care in the household;
 (3) "Division" means the Division of Rehabilitation Services of the Department of Workforce Education and Rehabilitation Services;"

AND

Page 10, lines 12 and 13, delete "blind and severely disabled;" and substitute "blind and severely disabled individuals;"

AND

Page 11, delete lines 1 through 3, and substitute the following:

~~"(13) "Service" means the Arkansas Rehabilitation Services established by the subchapter; and"~~

AND

Page 11, line 4, delete "(14)" and substitute "~~(14)~~(13)"

AND

Page 11, delete lines 11 through 18, and substitute the following:

"(a)(1) The Arkansas Division of Rehabilitation Services of the Department of

Workforce Education and Rehabilitation Services shall be administered, under the general supervision and direction of the appropriate division of the Department of Human Services, by a deputy director, by a division director, who shall be appointed by the Director of the Department of Workforce Education and Rehabilitation Services in accordance with established personnel standards and on the basis of education, training, experience, and demonstrated ability in the field of rehabilitation and subject to the confirmation of the Senate.

(2) The director of the department shall delegate powers, authorities, duties, and functions to the Director of the Division of Rehabilitation Services as necessary and desirable for the administration and operation of the state plan for vocational rehabilitation services as it applies to individuals with disabilities who are not blind or visually handicapped."

AND

Page 11, delete line 30, and substitute the following:
"vocational rehabilitation services are to be provided in situations where service rehabilitation services cannot"

AND

Page 11, line 31, delete "service" and substitute "service rehabilitation services"

AND

Page 11, line 32, delete "director board" and substitute "director of the department"

AND

Page 11, line 33, delete "service" and substitute "service division"

AND

Page 11, line 34, delete "director board" and substitute "director of the department"

AND

Page 11, line 36, delete "service" and substitute "service division"

AND

Page 12, line 1, "director board" and substitute "director of the department, the board,"

AND

Page 12, line 9, "director board" and substitute "director of the department,"

AND

Page 12, delete lines 17 through 36, and substitute the following:

"The ~~deputy director of the appropriate division of the Department of Human Services~~ Director of the Division of Rehabilitation Services of the Department of Workforce Education and Rehabilitation Services shall provide the rehabilitation services authorized by this subchapter to the physically or mentally disabled, including blind citizens and disabled individuals, including those who can benefit from independent living services, as determined by the director to be eligible therefor

for rehabilitation services. In carrying out the purposes of this subchapter, the ~~Arkansas Rehabilitation Services division~~ is authorized, among other things:

(1) To be the ~~sole~~ state agency ~~primarily responsible to supervise and administer for the supervision and administration of all functions and programs relating to~~ the rehabilitation services authorized by this subchapter ~~except such for:~~

(A) ~~Such~~ part as may be administered by a local agency in a political subdivision of the state, in which case the ~~service division~~ shall be the ~~sole primary~~ agency to supervise the local agency in the administration of that part; ~~and~~

(B) ~~Such part as is administered by the Division of State Services for the Blind of the Department of Human Services under §§ 25-10-201 — 25-10-208, which provides for the administration of rehabilitation services for individuals who are blind or visually handicapped;~~

(2) To enter into reciprocal agreements with other states to provide for the services authorized by this subchapter to residents of the state concerned;

(3) To conduct research and compile statistics relating to the provision of services or the need of services of disabled individuals; ~~and~~

~~(4) To license blind individuals to operate vending stands under its supervision and control and subject to the terms and conditions in regulations issued pursuant to § 20-79-204(b)(1) on:~~

~~(A) State property;~~

~~(B) County or municipal property;~~

~~(C) Federal property, pursuant to delegation of authority under the Randolph-Sheppard Act and any amendment thereto or any act of Congress relating to this subject;~~

~~(D) Private property; and~~

~~(E) Subject to Acts 1945, No. 142, § 2 [superseded]; and~~

~~(5)(4) To provide for the establishment, supervision, and control of suitable business enterprises to be operated by the severely disabled individual, including the blind, where the operation will be improved through the management and supervision of the service division."~~

AND

Page 13, delete lines 1 through 13 entirely

AND

Page 13, line 17, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 13, line 30, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 13, line 35, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 14, line 2, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 14, line 10, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 15, line 19, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 15, line 25, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 16, line 6, delete "deputy director" and substitute "~~deputy director~~ Director of the Division of Rehabilitation Services"

AND

Page 16, line 12, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 16, line 28, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 16, line 36, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 17, line 16, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 17, line 19, delete "department" and substitute "State Board of Workforce Education and Career Opportunities"

AND

Page 17, line 25, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 17, line 26, delete "currently" and substitute "~~currently~~"

AND

Page 17, line 31, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 18, line 7, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 18, delete lines 30 through 36, and substitute the following:
~~"of the Department of Workforce Education. The Director of the Department of Workforce Education and Rehabilitation Services shall designate an identifiable division within the department that shall be known as the Division of Rehabilitation Services. The division is responsible for the administration of the state plan for vocational rehabilitation services as it applies to individuals with disabilities who are not blind or visually handicapped. The division shall have the same authority and responsibility with respect to the administration and operation of vocational rehabilitation services for individuals with disabilities as other divisions of the department have with respect to the administration and operation of other programs of the department."~~

AND

Page 19, line 21, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 19, line 23, delete "State Board" and substitute "Department of Workforce Education and Rehabilitation Services and the State Board"

AND

Page 19, delete lines 26 through 31, and substitute the following:
 "(b) Any and all statutory authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds transferred from the Division of Rehabilitation Services to the Department of Human Services by Acts 1985, No. 348, ~~are hereby that were~~ transferred to the Arkansas Rehabilitation Services ~~of are transferred to the~~ Department of Workforce Education and Rehabilitation Services."

AND

Page 19, line 36, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 20, line 7, delete "Department" and substitute "Division of Rehabilitation Services of the Department"

AND

Page 20, delete lines 9 through 14, and substitute the following:
 "(1) To be the sole state agency primarily responsible to supervise and administer for the supervision and administration of all functions and programs relating to the rehabilitation services authorized by this subchapter except such for:

(A) Such part or parts as may be administered by a local agency in a political subdivision of the state, in which case the Arkansas Rehabilitation Services Division shall be the sole primary agency to supervise such a local agency in the administration of such part or parts; and

(B) Such part as is administered by the Division of State Services for the Blind of the Department of Human Services under §§ 25-10-201 — 25-10-208, which provides for the administration of rehabilitation services for individuals who are blind or visually handicapped;"

(SIGNED) SENATOR T. SMITH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 556 was ordered engrossed.

On motion of Senator Holt, **House Bill No. 909** 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 HOUSE BILL NO. 909

Amend **House Bill No. 909** as originally introduced by:

Page 1, line 12, delete "FOR A ROOF ON THE GYMNASIUM" and substitute ", ARKANSAS"

AND

Page 1, line 20, delete "FOR A ROOF ON THE GYMNASIUM" and substitute ", ARKANSAS"

AND

Page 1, line 26, delete " - ROOF ON GYMNASIUM" and substitute ", Arkansas"

AND

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

" (B) For state support to the City of Springdale for construction and equipping of a truck driving educational facility for the Northwest Technical Institute, the sum of\$400,000."

(SIGNED) SENATOR HOLT

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 909 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 655** 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. 655

Amend **Senate Bill No. 655** as originally introduced:

Page 1, line 10, delete "A NONPROFIT" and substitute "THE ARKANSAS AIR"

AND

Page 1, delete lines 16 and 17, and substitute "WORKS OF ART OR ARTIFACTS PURCHASED BY THE ARKANSAS AIR MUSEUM TO BE PERMANENTLY"

AND

Page 1, line 27, delete "a nonprofit museum" and substitute "the Arkansas Air Museum in Fayetteville, Arkansas"

(SIGNED) SENATOR MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 655 was ordered engrossed.

On motion of Senator Laverty, **Senate Bill No. 1193** was withdrawn from the Committee on TECHNOLOGY AND LEGISLATURE AFFAIRS, 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. 1193

Amend **Senate Bill No. 1193** as engrossed, S3/15/05:

Page 1, line 35, delete "two thousand four hundred dollars (\$2,400)" and substitute "~~two thousand four hundred dollars (\$2,400)~~ three thousand six hundred dollars (\$3,600)"

AND

Page 2, lines 5 through 7 delete "~~one thousand two hundred dollars (\$1,200)~~ two thousand four hundred dollars (\$2,400)" and substitute "one thousand two hundred dollars (\$1,200)"

AND

Page 2, lines 9 and 10, delete "one thousand two hundred dollars (\$1,200)" and substitute "two thousand four hundred dollars (\$2,400)"

(SIGNED) SENATOR LAVERTY

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1193 was ordered engrossed.

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. 3.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 935

Amend **Senate Bill No. 935** as engrossed, S3/29/05:

Page 2, delete lines 24 and 25 and substitute the following:

“(6) Manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603; and”

AND

After Section 3 of the bill add the following additional Sections:

“SECTION 4. Arkansas Code § 27-14-207 is amended to read as follows:
 27-14-207. Definitions.

As used in this subchapter:

(1) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(2) “Manufactured home” means a dwelling unit constructed in a factory in accordance with the federal Manufactured Home Construction and Safety Standards Act;

~~(2)(3) "Mobile home" means every house trailer or other vehicle, with or without wheels, designed for use as living quarters, either permanent or temporary, and, at the time of manufacture, capable of being towed or otherwise transported or drawn upon a highway~~ a dwelling unit constructed in a factory prior to the enactment of the federal Manufactured Home Construction and Safety Standards Act;

~~(3)(4) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding a tractor;~~

~~(4)(5) "Motor home" means a motor vehicle designed to provide temporary living quarters, built onto an integral part of, or permanently attached to, a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life-support systems;~~

~~(5)(6) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;~~

~~(6)(7) "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;~~ and

~~(7)(8) "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~

SECTION 5. Arkansas Code § 27-14-807 is amended to read as follows:
27-14-807. Methods exclusive - Exception.

(a) The methods provided in this subchapter of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive except as to liens dependent upon possession and manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603.

(b) A security interest, lien, or encumbrance on a manufactured home or mobile home for which the certificate of title has been cancelled under § 27-14-1603 shall be obtained in the same manner used to perfect a security interest, lien, or encumbrance against other real property.

~~(b)(c)~~ Any lien, or encumbrance, or title retention instrument filed as provided in this subchapter, and any documents evidencing them, are exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of the types subject to registration under this chapter.

SECTION 6. Arkansas Code § 27-14-1601 is amended to read as follows:
27-14-1601. Definitions.

For the purposes of this subchapter:

(1) "Manufactured home" means a dwelling unit constructed in a factory in accordance with the federal Manufactured Home Construction and Safety Standards Act ~~and capable of being delivered to a site for use as living quarters~~; and

(2) "Mobile home" means ~~a unit other than a manufactured home constructed in a factory for use as a dwelling, office, or classroom~~ dwelling unit built in a factory prior to the enactment of the federal Manufactured Home Construction and Safety Standards Act.

SECTION 7. Arkansas Code § 27-14-1602 is amended to read as follows:
27-14-1602. Registration - Fee.

(a) An owner of a manufactured home or a mobile home shall be permitted to ~~license~~ register the manufactured home or mobile home with the Office of Motor Vehicle for the purpose of receiving a certificate of title to the home or for any other purpose.

(b) The ~~license~~ registration shall be issued upon the payment of a fee of twenty-six dollars (\$26.00) ~~and shall be valid for one (1) year from the date of registration.~~

(SIGNED) SENATOR 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.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 69, 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. 69 was ordered re-referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 556, BY Senator Smith,

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 Smith, **Senate Bill No. 556** was ordered re-referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 655, BY SENATOR MADISON,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Madison, **Senate Bill No. 655** was ordered re-referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 909, BY SENATOR HOLT,

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 Holt, **Senate Bill No. 909** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 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 30, 2005

Mr. President:

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

SENATE BILL NO. 1193, BY SENATOR LAVERTY,

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 Lavery, **Senate Bill No. 1193** was ordered re-referred to the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

On motion of Senator Hill, the Senate resolved itself into the Committee of the Whole for the purpose of Senate Concurrent Resolution No. 18 honoring Dr. John L. Ferguson.

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

On motion of Senator Hill, **Senate Concurrent Resolution No. 18** was called up for third reading.

SENATE CONCURRENT RESOLUTION NO. 18
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL

SENATE CONCURRENT RESOLUTION COMMENDING DR. JOHN L. FERGUSON FOR HIS OUTSTANDING CONTRIBUTIONS TO THE PRESERVATION AND INTERPRETATION OF ARKANSAS HISTORY FOR MORE THAN HALF A CENTURY.

Senate Concurrent Resolution No. 18 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 18 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 465, BY SENATOR BROADWAY,
SENATE BILL NO. 468, BY SENATOR BROADWAY,
SENATE BILL NO. 940, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 1021, BY SENATOR MADISON,
SENATE BILL NO. 1093, BY SENATOR ALTES,
SENATE BILL NO. 1164, BY SENATOR ALTES,

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 ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1000, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as Amended No. 2.

Respectfully submitted,
(SIGNED) SENATOR ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2530, BY REPRESENTATIVE DANGEAU,
HOUSE BILL NO. 2557, BY REPRESENTATIVE J. JOHNSON,
HOUSE BILL NO. 2645, BY REPRESENTATIVE ELLIOTT,
HOUSE BILL NO. 2701, BY REPRESENTATIVE CHESTERFIELD,
HOUSE BILL NO. 2757, BY REPRESENTATIVE COOK,

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 ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1525, BY REPRESENTATIVE ELLIOTT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass, as Amended No. 2, withdraw Amendment No. 1.

Respectfully submitted,
(SIGNED) SENATOR ARGUE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 20051

Mr. President:

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

SENATE BILL NO. 1173, BY SENATOR HILL,

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

Respectfully submitted,
(SIGNED) SENATOR WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1031, BY SENATOR MALONE,

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

Respectfully submitted,
(SIGNED) SENATOR WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2483, BY REPRESENTATIVE SUMPTER,

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 WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1691, BY REPRESENTATIVE COWLING,
HOUSE BILL NO. 2728, BY REPRESENTATIVE D. EVANS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass, as Amended No. 1.

Respectfully submitted,
(SIGNED) SENATOR WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1039, BY SENATOR BRYLES,

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 BAKER, ACTING CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1128, BY SENATOR BOOKOUT,

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 STEELE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1168, BY SENATOR BOOKOUT,

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 T. STEELE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1768, BY REPRESENTATIVE KEY,
HOUSE BILL NO. 2848, BY REPRESENTATIVE SCHULTE,

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 T. STEELE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2117, BY REPRESENTATIVE CHILDERS,
HOUSE BILL NO. 2124, BY REPRESENTATIVE BRIGHT,
HOUSE BILL NO. 2754, BY REPRESENTATIVE OVERBEY,
HOUSE BILL NO. 2907, BY REPRESENTATIVE PRATER,

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 BAKER, ACTING-CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2504, BY REPRESENTATIVE J. HUTCHINSON,
HOUSE BILL NO. 2721, BY REPRESENTATIVE KENNEY,

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 BAKER, ACTING CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2941, 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, as Amended No. 1.

Respectfully submitted,
(SIGNED) SENATOR T. STEELE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1284, BY REPRESENTATIVE HARRIS,
HOUSE BILL NO. 2338, BY REPRESENTATIVE PETRUS,
HOUSE BILL NO. 2518, BY REPRESENTATIVE THOMASON,
HOUSE BILL NO. 2635, BY REPRESENTATIVE HARRELSON,
HOUSE BILL NO. 2704, BY REPRESENTATIVE THOMASON,
HOUSE BILL NO. 2790, BY REPRESENTATIVE MATAYO,
HOUSE BILL NO. 2862, BY REPRESENTATIVE WILLS,

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 WILKINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2500, BY REPRESENTATIVE THOMASON,
HOUSE BILL NO. 2706, BY REPRESENTATIVE MAHONY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass, as Amended No. 1.

Respectfully submitted,
(SIGNED) SENATOR WILKINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1376, BY REPRESENTATIVE ABERNATHY,

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 BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 40, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 54, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 56, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 62, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 79, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 80, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 85, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 86, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 104, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 149, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 198, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 238, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 531, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 536, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 540, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 542, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,
(SIGNED) SENATOR BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 1097, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,
(SIGNED) SENATOR BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

Marc 30, 2005

Mr. President:

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

SENATE BILL NO. 1156, BY SENATOR JACK CRITCHER,

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 CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1008, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass, as Amended No. 2 .

Respectfully submitted,
(SIGNED) SENATOR CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 1099, BY SENATOR WOMACK,
SENATE BILL NO. 1124, BY SENATOR STEELE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass, as Amended No. 1.

Respectfully submitted,
(SIGNED) SENATOR CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 74, 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, concur House Amendment No. 1.

Respectfully submitted,
(SIGNED) SENATOR CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2367, BY REPRESENTATIVE LEDBETTER,
HOUSE BILL NO. 2469, BY REPRESENTATIVE BORHAUER,
HOUSE BILL NO. 2552, BY REPRESENATATIVE LEDBETTER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass, as Amended No. 1.

Respectfully submitted,
(SIGNED) SENATOR CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2414, BY REPRESENTATIVE S. PRATER,
HOUSE BILL NO. 2444, BY REPRESENTATIVE KEY,
HOUSE BILL NO. 2494, BY REPRESENTATIVE PACE,
HOUSE BILL NO. 2611, BY REPRESENTATIVE WALTERS,
HOUSE BILL NO. 2855, BY REPRESENTATIVE MATAYO,
HOUSE BILL NO. 2917, REPRESENTATIVE BURRIS,

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 CRITCHER, CHAIRMAN

On motion of Senator Bookout, the Senate resolved itself into the Committee of the Whole for the purpose of Senate Resolution No. 15, congratulating the 2005 Class AA State Boys Basketball Champions.

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

SENATE RESOLUTION NO. 15
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS J. BOOKOUT, BRYLES

SENATE RESOLUTION CONGRATULATING THE 2005 CLASS AA STATE BOYS BASKETBALL CHAMPION BUFFALO ISLAND CENTRAL MUSTANGS.

Senate Resolution No. 15 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bryles, the Senate resolved itself into the Committee of the Whole for the purpose of Senate Resolution No. 16, honoring academic and cheerleading achievements of Buffalo Island Central High School.

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

On motion of Senator Bryles, Senate Resolution No. 16 was called up for third reading and final disposition.

SENATE RESOLUTION NO. 16
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS BRYLES, J. BOOKOUT

SENATE RESOLUTION HONORING THE ACADEMIC AND CHEERLEADING ACHIEVEMENTS OF BUFFALO ISLAND CENTRAL HIGH SCHOOL.

Senate Resolution No. 16 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Altes, **House Concurrent Resolution No. 1018** was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1018

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

**BY: REPRESENTATIVES BLAIR, GLIDEWELL, MEDLEY, VERKAMP, &
WALTERS**

BY: SENATORS ALTES & WILKINSON

HOUSE CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE WESTERN ARKANSAS STATE PROFESSIONAL FIREFIGHTERS/IAFF LOCAL S-24 OF THE 188TH FIRE DEPARTMENT, ARKANSAS AIR NATIONAL GUARD, FORT SMITH, ARKANSAS.

House Concurrent Resolution No. 1018 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1018 was ordered immediately returned to the House as concurred in.

On motion of Senator Madison, **Senate Bill No. 266** was placed back on second reading for purpose of Amendments No. 3, 4, 5.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3, to SENATE BILL NO. 266

Amend **Senate Bill No. 266** as engrossed, S3/23/05:

Page 2, delete line 14 and substitute the following:

"officer being supervised.

(c) If a constable is detached to, deputized or commissioned by, or working in conjunction or associated with a municipal law enforcement agency, the municipal law enforcement agency shall have no responsibility with regard to payment for certification, training, or other continuing education of the constable."

AND

Page 2, line 15, delete "(c)" and substitute "(d)"

AND

Page 2, line 17, delete "(d)" and substitute "(e)"

(SIGNED) SENATOR MADISON

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. 4 to SENATE BILL NO. 266

Amend **Senate Bill No. 266** as engrossed, S3/23/05:

Page 2, line 7, delete "full-time" and substitute "full-time or part-time I"

(SIGNED) SENATOR MADISON

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. 5 to SENATE BILL NO. 266

Amend **Senate Bill No. 266** as engrossed, S3/23/05:

Page 1, line 28 delete "(2)" and substitute "(2)(A)"

AND

Page 1, delete line 31 and substitute:

"this state;

(B) "Regular law enforcement agency" shall not include the office of constable."

(SIGNED) SENATOR MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 266 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 952** 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. 952

Amend **Senate Bill No. 952** as engrossed, S3/9/05:

Page 2, delete lines 1 through 22, and substitute the following:

"(1) Beginning at the Northwest corner of Section 18 Township 18 Range 28 (NW corner of Benton/Washington County boundary), thence East along existing Benton/Washington County line to a point being in the center of channel of War Eagle Creek in Section 10 Township 18 Range 28, thence meandering following center of channel of War Eagle Creek beginning southeasterly through Section 15 Township 18 Range 28, Section 22 Township 18 Range 28, Section 21 Township 18 Range 28, Section 16 Township 18 Range 28, Section 21 Township 18 Range 28, Section 28 Township 18 Range 28, Section 29 Township 18 Range 28, Section 20 Township 18 Range 28, Section 19 Township 18 Range 28, to a point in Section 18 Township 18 Range 28 merging with and to the center of channel of White River, thence southeasterly in center of channel to Range line 29, thence North along said line to Point of Beginning."

AND

Page 2, delete lines 26 through 30, and substitute the following:

"(1) Beginning at the Northwest corner Section 30 Township 18 Range 28 (SE corner of Benton/Washington County boundary), thence North along Range line 29 to center of channel of White River in Section 13 Township 18 Range 29, thence meandering following center of channel through Section 13 Township 18 Range 29 and Section 24 Township 18 Range 29 to point of existing Benton/Washington County line, thence East to Point of Beginning."

(SIGNED) REPRESENTATIVE EDWARDS

Amendment No. 1 to Senate Bill No. 952, 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

Senate Bill No. 952 was ordered enrolled.

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

On motion of Senator Madison, **Senate Bill No. 952** was called up for third reading and final disposition.

SENATE BILL NO. 952
As Engrossed: S3/9/05 H3/17/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MADISON & BISBEE
BY: REPRESENTATIVE EDWARDS

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE BOUNDARIES OF WASHINGTON COUNTY AND BENTON COUNTY; AND FOR OTHER PURPOSES.

Senate Bill No. 952 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

Senate Bill No. 952 was ordered transmitted to the House as passed.

The President declared the morning hour to have expired.

On motion of Senator Baker, **Senate Bill No. 583** was called up for third reading and final disposition.

SENATE BILL NO. 583
As Engrossed: S3/14/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BAKER
BY: REPRESENTATIVE SCROGGIN

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE COUNTIES TO REGULATE UNSANITARY CONDITIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 583 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. 583 was ordered transmitted to the House as passed.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

March 17, 2005

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on March 29, 2005, I approved the following measure:

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 8

Senate Concurrent Resolution No. 12

Senate Bill No. 1137, which is now Act 1282 of 2005,

Senate Bill No. 57, which is now Act 1283 of 2005,

Senate Bill No. 68, which is now Act 1284 of 2005,

Senate Bill No. 75, which is now Act 1285 of 2005,

Senate Bill No. 99, which is now Act 1286 of 2005,

Senate Bill No. 138, which is now Act 1287 of 2005,

Senate Bill No. 168, which is now Act 1288 of 2005,

Senate Bill No. 176, which is now Act 1289 of 2005,

Senate Bill No. 194, which is now Act 1290 of 2005,

Senate Bill No. 243, which is now Act 1291 of 2005,

Senate Bill No. 246, which is now Act 1292 of 2005,

Senate Bill No. 276, which is now Act 1293 of 2005,

Senate Bill No. 328, which is now Act 1294 of 2005,

Senate Bill No. 335, which is now Act 1295 of 2005,

Senate Bill No. 417, which is now Act 1296 of 2005,

Senate Bill No. 435, which is now Act 1297 of 2005,

Senate Bill No. 478, which is now Act 1298 of 2005,

Senate Bill No. 481, which is now Act 1299 of 2005,

Senate Bill No. 491, which is now Act 1300 of 2005,

Senate Bill No. 492, which is now Act 1301 of 2005,

Senate Bill No. 493, which is now Act 1302 of 2005,

Senate Bill No. 494, which is now Act 1303 of 2005,
Senate Bill No. 495, which is now Act 1304 of 2005,
Senate Bill No. 496, which is now Act 1305 of 2005,
Senate Bill No. 497, which is now Act 1306 of 2005,
Senate Bill No. 498, which is now Act 1307 of 2005,
Senate Bill No. 501, which is now Act 1308 of 2005,
Senate Bill No. 543, which is now Act 1309 of 2005,
Senate Bill No. 548, which is now Act 1310 of 2005,
Senate Bill No. 549, which is now Act 1311 of 2005,
Senate Bill No. 550, which is now Act 1312 of 2005,
Senate Bill No. 551, which is now Act 1313 of 2005,
Senate Bill No. 552, which is now Act 1314 of 2005,
Senate Bill No. 553, which is now Act 1315 of 2005,
Senate Bill No. 554, which is now Act 1316 of 2005,
Senate Bill No. 565, which is now Act 1317 of 2005,
Senate Bill No. 566, which is now Act 1318 of 2005,
Senate Bill No. 567, which is now Act 1319 of 2005,
Senate Bill No. 568, which is now Act 1320 of 2005,
Senate Bill No. 569, which is now Act 1321 of 2005,
Senate Bill No. 570, which is now Act 1322 of 2005,
Senate Bill No. 571, which is now Act 1323 of 2005,
Senate Bill No. 572, which is now Act 1324 of 2005,
Senate Bill No. 575, which is now Act 1325 of 2005,
Senate Bill No. 582, which is now Act 1326 of 2005,
Senate Bill No. 590, which is now Act 1327 of 2005,
Senate Bill No. 596, which is now Act 1328 of 2005,
Senate Bill No. 597, which is now Act 1329 of 2005,
Senate Bill No. 628, which is now Act 1330 of 2005,
Senate Bill No. 656, which is now Act 1331 of 2005,
Senate Bill No. 657, which is now Act 1332 of 2005,
Senate Bill No. 658, which is now Act 1333 of 2005,
Senate Bill No. 659, which is now Act 1334 of 2005,
Senate Bill No. 660, which is now Act 1335 of 2005,
Senate Bill No. 661, which is now Act 1336 of 2005,
Senate Bill No. 662, which is now Act 1337 of 2005,
Senate Bill No. 663, which is now Act 1338 of 2005,
Senate Bill No. 664, which is now Act 1339 of 2005,
Senate Bill No. 665, which is now Act 1340 of 2005,

Senate Bill No. 666, which is now Act 1341 of 2005,
Senate Bill No. 667, which is now Act 1342 of 2005,
Senate Bill No. 668, which is now Act 1343 of 2005,
Senate Bill No. 670, which is now Act 1344 of 2005,
Senate Bill No. 671, which is now Act 1345 of 2005,
Senate Bill No. 672, which is now Act 1346 of 2005,
Senate Bill No. 673, which is now Act 1347 of 2005,
Senate Bill No. 674, which is now Act 1348 of 2005,
Senate Bill No. 675, which is now Act 1349 of 2005,
Senate Bill No. 676, which is now Act 1350 of 2005,
Senate Bill No. 677, which is now Act 1351 of 2005,
Senate Bill No. 678, which is now Act 1352 of 2005,
Senate Bill No. 679, which is now Act 1353 of 2005,
Senate Bill No. 749, which is now Act 1354 of 2005,
Senate Bill No. 792, which is now Act 1355 of 2005,
Senate Bill No. 793, which is now Act 1356 of 2005,
Senate Bill No. 794, which is now Act 1357 of 2005,
Senate Bill No. 809, which is now Act 1358 of 2005,
Senate Bill No. 810, which is now Act 1359 of 2005,
Senate Bill No. 811, which is now Act 1360 of 2005,
Senate Bill No. 812, which is now Act 1361 of 2005,
Senate Bill No. 813, which is now Act 1362 of 2005,
Senate Bill No. 814, which is now Act 1363 of 2005,
Senate Bill No. 815, which is now Act 1364 of 2005,
Senate Bill No. 816, which is now Act 1365 of 2005,
Senate Bill No. 818, which is now Act 1366 of 2005,
Senate Bill No. 819, which is now Act 1367 of 2005,
Senate Bill No. 858, which is now Act 1368 of 2005,
Senate Bill No. 861, which is now Act 1369 of 2005,
Senate Bill No. 872, which is now Act 1370 of 2005,
Senate Bill No. 884, which is now Act 1371 of 2005,
Senate Bill No. 923, which is now Act 1372 of 2005,
Senate Bill No. 961, which is now Act 1373 of 2005,
Senate Bill No. 1022, which is now Act 1374 of 2005,
Senate Bill No. 1070, which is now Act 1375 of 2005,
Senate Bill No. 1074, which is now Act 1376 of 2005,

Senate Bill No. 1080, which is now Act 1377 of 2005,

Senate Bill No. 1148, which is now Act 1378 of 2005,

Senate Bill No. 1152, which is now Act 1379 of 2005

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

MH: kb

Cc: Speaker of the House

On motion of Senator Wilkinson, [Senate Bill No. 159](#) was withdrawn from the Committee on INSURANCE AND COMMERCE, and placed on the Calendar.

Without objection, [Senate Bill No. 159](#) was withdrawn by the author, Senator Wilkinson.

On motion of Senator Smith, **Senate Bill No. 944** was called up for third reading and final disposition.

**SENATE BILL NO. 944
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH**

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE MOTION PICTURE INCENTIVE ACT OF 1997; TO CREATE THE MOTION PICTURE INCENTIVE ACT OF 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 944 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 944 was ordered immediately transmitted to the House as passed.

On motion of Senator Lavery, [Senate Bill No. 946](#) 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. 946](#)

Amend [Senate Bill No. 946](#) as engrossed, S3/9/05:

Add the following Representatives as cosponsors of the bill: Pace, Pritchard, Medley, Berry

(SIGNED) REPRESENTATIVE S. PRATER

[Amendment No. 1 to Senate Bill No. 946](#), 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 Lavery, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Laverty, **Senate Bill No. 946** was called up for third reading and roll call.

SENATE BILL NO. 946

As Engrossed: S3/9/05 H3/23/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS LAVERTY & GLOVER

**BY: REPRESENTATIVES S. PRATER, ROEBUCK, DICKINSON, L. EVANS,
GEORGE, PACE, PRITCHARD, MEDLEY, & BERRY**

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 10-4-209 TO PROVIDE A REGULATORY BASIS OF FINANCIAL STATEMENT PRESENTATION FOR PROSECUTING ATTORNEYS; AND FOR OTHER PURPOSES.

Senate Bill No. 946 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 946**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill 946 was ordered enrolled.

On motion of Senator Bookout, **Senate Resolution No. 10** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE RESOLUTION NO. 10

Amend **Senate Resolution No. 10** as originally introduced:

Page 2, line 9, delete "South Arkansas " and substitute "South Central Center on Aging, Pine Bluff; South Arkansas"

(SIGNED) SENATOR J. BOOKOUT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Resolution No. 10 was ordered engrossed.

On motion of Senator Bookout, the rules were suspended in considering **Senate Bill No. 980** at this time.

On motion of Senator Bookout, **Senate Bill No. 980** was 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. 980

Amend **Senate Bill No. 980** as engrossed, S3/14/05:

Delete everything after the Enacting Clause and substitute the following:

"SECTION 1. Arkansas Code Title 15, Subtitle 1, Chapter 4 is amended to add an additional subchapter to read as follows:

15-4-3101. Title.

This act shall be known as the "Broadband Incentive Act of 2005".

15-4-3102. Definitions.

As used in this subchapter:

(1) "Broadband provider" means any person or legal entity that provides broadband services within the State of Arkansas;

(2)(A) "Broadband technology" means any equipment or software:
(i) Capable of being used for the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four kilobits per second (384Kbps) in at least one direction; and

(ii) Capable of being used with:

(a) Wireline telecommunications services;

(b) Wireless telecommunications services;

(c) Satellite-based telecommunications services;

(d) Cable television services;

(e) Power-line based high speed

telecommunications services; or

(f) Any combination of the services listed in subdivisions (2)(A)(ii)(a)-(e) of this section.

(B) "Broadband technology" includes, but is not limited to:

(i) Asynchronous transfer mode switches;

(ii) Routers;

(iii) Servers;

(iv) Multiplexers;

(v) Fiber optics; and

(vi) Equipment related to the items listed in subdivisions (2)(B)(i)-(vi) of this section;

(3) "Cost of deployed broadband technology" means:

(A) The cost of the broadband technology deployed to provide broadband services in this state; and

(B) The cost of equipment placement, including labor costs and other one-time costs typically capitalized pursuant to Generally Accepted Accounting Principles as prescribed by the Financial Accounting Standards Board; and

(4) "State income tax credit" means a credit against the tax liability imposed by the Income Tax Act of 1929, § 26-51-101 et seq.

(5) "Underserved area" means an area of the State of Arkansas in which broadband internet service is not available by cable, wire, or radio frequency on June 1, 2005.

15-4-3103. Income tax credit.

(a) A broadband provider who offers broadband service to the residents of an underserved area shall be entitled to a state income tax credit in the amount of fifteen percent (15%) of the cost of deployed broadband technology used to provide the broadband service within the underserved area.

(b) The income tax credit provided under this section shall be applicable to the owner of the broadband technology deployed regardless of whether the technology is leased by a third party for the purpose of providing broadband based services to the consumer.

(c) The costs of deployed technology eligible for the tax credit provided by this subchapter shall remain deductible for state income tax purposes.

15-4-3104. Eligibility for tax credit.

(a) Broadband technology deployed on or after June 1, 2005, shall be eligible for the tax credit under this subchapter.

(b) Broadband technology deployed after June 1, 2011, shall not be eligible for the tax credit.

(c) The tax credit for the cost of deployed broadband technology allowed under this subchapter will expire six (6) tax years following the tax year in which the credit was earned.

(d) If the tax credit for any tax year exceeds fifty percent (50%) of the income tax liability for that tax year, the unused portions may be carried forward for six (6) consecutive tax years following the tax year in which the credit was earned.

15-4-3105. Reporting.

(a) Each broadband provider claiming the tax credit for any tax year shall submit a detailed accounting of the applicable tax year's broadband deployment to the Director of the Department of Finance and Administration.

(b) The report shall be submitted within thirty (30) calendar days after the broadband provider files its income tax return and shall contain sufficient information to accurately determine that the credits claimed are consistent with this subchapter.

(c)(1) If the director discovers any discrepancies or excess credits, the director shall notify the broadband provider within thirty (30) calendar days after receipt of the report.

(2) The Arkansas Tax Procedure Act, § 26-18-101 et seq. shall be applicable to the tax credit provided under this subchapter. The notice requirement in subdivision (c)(1) of this section is in addition to the provisions of the Arkansas Tax Procedure Act § 26-18-101 et seq.

SECTION 2. Arkansas Code Title 26, Chapter 52, Subchapter 5 is amended to add an additional section to read as follows:

26-52-523. Broadband technology.

(a) The Director of the Department of Finance and Administration shall refund any state sales or use tax to a broadband provider paid by the broadband provider on the purchase of broadband technology deployed in underserved areas between June 1, 2005 and June 1, 2011, if the broadband provider furnishes the director the following:

- (1) A written request for a refund under § 26-18-507;
- (2) Evidence that the sales or use tax was paid by the broadband provider; and
- (3) Other information required by the director.

(b)(1) A claim for refund of sales or use tax under this section is subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

(2) Any claim for refund shall be in writing and filed within three (3) years after the date the tax was paid by the broadband provider."

(SIGNED) SENATOR J. BOOKOUT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 980 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 1054** was called up for third reading and final disposition.

SENATE BILL NO. 1054

As Engrossed: S3/29/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO ALLOW A HIGH SCHOOL COURSE OFFERED UNDER THE INTERNATIONAL BACCALAUREATE DIPLOMA PROGRAM TO BE TREATED THE SAME AS AN ADVANCED PLACEMENT COURSE; AND FOR OTHER PURPOSES.

Senate Bill No. 1054 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

Senate Bill No. 1054 was ordered immediately transmitted to the House as passed.

On motion of Senator Wooldridge, **Senate Bill No. 936** was called up for third reading and final disposition.

SENATE BILL NO. 936
As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT RELATING TO HAZARDOUS WASTES AND SUBSTANCES; REQUIRING THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO IMPLEMENT A PROGRAM FOR THE CERTIFICATION OF CONTRACTORS AND CONSULTANTS INVOLVED IN THE CLEAN UP OF LEAKS, SPILLS, OR OTHER RELEASES OR ACCIDENTS INVOLVING HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES; AND FOR OTHER PURPOSES.

Senate Bill No. 936 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 936 was ordered immediately transmitted to the House as passed.

On motion of Senator Holt, **Senate Bill No. 990** was called up for third reading and final disposition.

SENATE BILL NO. 990
As Engrossed: S3/15/05 S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HOLT

A Bill for an Act to be Entitled: *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.*

Senate Bill No. 990 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

Senate Bill No. 990 was ordered immediately transmitted to the House as passed.

On motion of Senator Madison, **House Bill No. 1015** was called up for third reading and final disposition.

HOUSE BILL NO. 1015
As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE YOUTH SERVICES ACT AND THE EDUCATION LAW; AND FOR OTHER PURPOSES.

House Bill No. 1015 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. 1015 was ordered immediately transmitted to the House as passed.

On motion of Senator Womack, **Senate Bill No. 444** was called up for third reading and final disposition.

SENATE BILL NO. 444

As Engrossed: S3/29/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR WOMACK

BY: REPRESENTATIVE KEY

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT A SELLER OF ALCOHOLIC BEVERAGES OR THE SELLER'S EMPLOYEE MAY DETAIN A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE FOR ATTEMPTING TO PURCHASE ALCOHOL WITH FALSE IDENTIFICATION; TO AUTHORIZE A WARRANTLESS ARREST OF A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE FOR ATTEMPTING TO PURCHASE ALCOHOL WITH FALSE IDENTIFICATION; AND FOR OTHER PURPOSES.

Senate Bill No. 444 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 444 was ordered immediately transmitted to the House as passed.

On motion of Senator Womack, **Senate Bill No. 1176** was called up for third reading and final disposition.

SENATE BILL NO. 1176
As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE TERM "WORKING DAY" AS IT APPLIES TO THE AMOUNT OF SICK LEAVE GRANTED TO MUNICIPAL FIREFIGHTERS; AND FOR OTHER PURPOSES.

Senate Bill No. 1176 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, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total34

NEGATIVE: Bisbee.

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

Senate Bill No. 1176 was ordered immediately transmitted to the House as passed.

On motion of Senator Holt, **Senate Bill No. 1106** was called up for third reading and final disposition.

**SENATE BILL NO. 1106
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HOLT**

A Bill for an Act to be Entitled: AN ACT TO CREATE THE PRAIRIE GROVE BATTLEFIELD STATE PARK ADVISORY COMMISSION; TO REPEAL PROVISIONS CONCERNING THE PRAIRIE GROVE BATTLEFIELD COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 1106 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1106 was ordered immediately transmitted to the House as passed.

On motion of Senator Glover, **House Bill No. 2100** was called up for third reading and final disposition.

HOUSE BILL NO. 2100
As Engrossed: H3/17/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT TO CLASSIFY THEFT OF ANHYDROUS AMMONIA AS A CLASS B FELONY; AND FOR OTHER PURPOSES.

House Bill No. 2100 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2100 was ordered immediately returned to the House as passed.

On motion of Senator Luker, **House Bill No. 2672** was called up for third reading and final disposition.

**HOUSE BILL NO. 2672
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LEDBETTER**

A Bill for an Act to be Entitled: AN ACT CONCERNING PSYCHIATRIC REPORTS ON ACQUITTED DEFENDANTS; AND FOR OTHER PURPOSES.

House Bill No. 2672 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2672 was ordered immediately returned to the House as passed.

On motion of Senator Luker, **House Bill No. 2780** was called up for third reading and final disposition.

**HOUSE BILL NO. 2780
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LEDBETTER**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPOINTED COURT OF APPEALS JUDGE INELIGIBLE TO BE A CANDIDATE FOR ELECTION TO ANOTHER COURT OF APPEALS JUDGESHIP WHILE HOLDING OFFICE; TO MAKE AN APPOINTED CIRCUIT COURT JUDGE INELIGIBLE TO BE A CANDIDATE FOR ELECTION TO ANOTHER CIRCUIT JUDGESHIP IN THE SAME JUDICIAL DISTRICT WHILE HOLDING OFFICE; AND FOR OTHER PURPOSES.

House Bill No. 2780 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2780 was ordered immediately returned to the House as passed.

On motion of Senator Glover, **House Bill No. 2797** was called up for third reading and final disposition.

HOUSE BILL NO. 2797

As Engrossed: H3/15/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES L. EVANS, DAVENPORT, NORTON, OVERBEY, S.

PRATER, RANKIN, SCROGGIN, & WOOD

BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A COMMERCIAL BAIT AND ORNAMENTAL FISH PROGRAM UNDER THE STATE PLANT BOARD; AND FOR OTHER PURPOSES.

House Bill No. 2797 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2797 was ordered immediately returned to the House as passed.

On motion of Senator Altes, **Senate Bill No. 1015** was called up for third reading and final disposition.

**SENATE BILL NO. 1015
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE GLIDEWELL
BY: SENATOR ALTES**

A Bill for an Act to be Entitled: AN ACT TO PERMIT EVICTION OF A LESSEE FOR NUISANCES AND THE FAILURE TO MAINTAIN PROPERTY; AND FOR OTHER PURPOSES.

Senate Bill No. 1015 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. 1015 was ordered immediately transmitted to the House as passed.

On motion of Senator Taylor, **House Bill No. 1682** was called up for third reading and final disposition.

HOUSE BILL NO. 1682
As Engrossed: H2/18/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES PYLE & OVERBEY

A Bill for an Act to be Entitled: AN ACT TO CLARIFY BIDDING REQUIREMENTS *IN CERTAIN STATUTES TO MAKE THE* REQUIREMENTS CONSISTENT WITH MUNICIPAL GOVERNMENT BIDDING REQUIREMENTS; AND FOR OTHER PURPOSES.

House Bill No. 1682 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1682 was ordered immediately returned to the House as passed.

On motion of Senator Whitaker, **Senate Bill No. 762** 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. 762

Amend **Senate Bill No. 762** as originally introduced:

Delete the Title in its entirety and substitute the following:

"AN ACT TO PROTECT TOURISM IN THE STATE OF ARKANSAS BY AUTHORIZING NATIVE ARKANSAS WINERIES TO ASSIST A PURCHASER OF WINE AT THE WINERY BY SHIPPING THE PURCHASE TO THE PURCHASER'S HOME WITHIN THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO PROTECT TOURISM IN THE STATE OF ARKANSAS BY AUTHORIZING NATIVE ARKANSAS WINERIES TO ASSIST A PURCHASER OF WINE AT THE WINERY BY SHIPPING THE PURCHASE TO THE PURCHASER'S HOME WITHIN THE STATE OF ARKANSAS."

AND

Page 2, delete lines 11 through 19 and substitute the following:

"(2)(A) An individual who purchases native Arkansas wine at the winery may transport the wine pursuant to § 3-5-504 or may have the purchase shipped to him or her at the individual's home by common carrier or appropriate parcel delivery service.

(B) ‡ Under subdivision (c)(2)(A) of this section, it is lawful for:
(i) any Any winery in the State of Arkansas to ship wines within the state by common carrier or other appropriate parcel delivery service; and
(ii) for common Common carriers and other appropriate parcel delivery services to accept wine from Arkansas wineries for delivery within the State of Arkansas, provided, however, that the wine may only be shipped to persons holding a retail permit to sell and dispense vinous or spirituous liquors."

(SIGNED) SENATOR WHITAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 762 was ordered engrossed.

On motion of Senator Capps, **House Bill No. 2099** was called up for third reading and final disposition.

**HOUSE BILL NO. 2099
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BOND**

A Bill for an Act to be Entitled: AN ACT TO FURTHER DEFINE "INSTRUCTIONAL MATERIALS" THAT MAY BE EXEMPT FROM SALES TAX WHEN PURCHASED BY SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 2099 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2099 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, **House Bill No. 2463** was withdrawn from the Committee on EDUCATION, and placed on the Calendar.

On motion of Senator Bisbee, **Senate Bill No. 2463** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Faris, **House Bill No. 2571** was called up for third reading and final disposition.

HOUSE BILL NO. 2571
As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BURRIS
BY: SENATOR FARIS

A Bill for an Act to be Entitled: AN ACT TO CERTIFY EMERGENCY MEDICAL TECHNICIANS WHO ARE RETURNING FROM ACTIVE DUTY; AND FOR OTHER PURPOSES.

House Bill No. 2571 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2571 was returned to the House as passed as amended.

On motion of Senator Salmon, **House Bill No. 2743** was called up for third reading and final disposition.

HOUSE BILL NO. 2743
As Engrossed: H3/11/05 S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES WOOD & DICKINSON
BY: SENATOR SALMON

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

House Bill No. 2743 was 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, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total34

NEGATIVE: Hendren.

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. 2743**, 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, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total34

NEGATIVE: Hendren.

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. 2743 was ordered immediately returned to the House as passed as Amended.

On motion of Senator Womack, **Senate Bill No. 1133** was withdrawn from the Committee on JUDICIARY, and placed on the Calendar.

Without objection, **Senate Bill No. 1133** was withdrawn by the author, Senator Womack.

The record pertaining to the adoption of Amendment No. 1 to Senate Bill No. 1099 was receded from, in accordance with a prevailing motion on March 31, 2005, 2003.

* * * * * RECEDE * * * * *

On motion of Senator Womack, the rules were suspended in considering Senate Bill No. 1099 at this time.

On motion of Senator Womack, Senate Bill No. 1099 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. 1099

Amend Senate Bill No. 1099 as originally introduced:

Add Representatives Key and Ledbetter as cosponsors of the bill

AND

Delete everything after the ENACTING CLAUSE and substitute the following:

"SECTION 1. The purpose of this Act is to resolve questions that have arisen regarding the phrase "at the time of disposal" in Arkansas Code § 8-7-512(a)(3) and § 8-7-512(a)(4), as interpreted by the Arkansas Supreme Court in Brighton Corporation, et al. v. Arkansas Department of Environmental Quality, 352 Ark. 396, 102 S.W. 3d 458 (2003), and to clarify that the Arkansas Remedial Action Trust Fund Act is remedial in nature and should be applied retroactively.

SECTION 2. Arkansas Code § 8-7-502, concerning the purposes of the Remedial Action Trust Fund Act, is amended to add and additional subsection to read as follows:

(d) The General Assembly expressly intends that the provisions of this subchapter shall apply retroactively.

(e) A further purpose of this act is to provide the state with the authority necessary to protect the public's health and safety and the environment from releases or threatened releases of hazardous substances; and to provide emergency response capabilities necessary to promptly contain, control, or remove hazardous substances resulting from spills or accidental releases.

SECTION 3. Arkansas Code § 8-7-512 is amended to read as follows:

(a) Any of the following shall be liable to the state for all costs of remedial or removal actions under this subchapter;

(1) The owner and operator of a facility;

(2) Any person who, at the time of disposal of any hazardous substance, owned or operated a hazardous substance site;

(3) Any generator of hazardous substances who, ~~at the time of disposal,~~ caused such substance to be disposed of at a hazardous substance site or who causes a release or threatened release of the hazardous substances; or

(4) Any transporter of hazardous substances who causes a release or threatened release of the hazardous substances or who, ~~at the time of disposal,~~ selected a hazardous substance site for disposal of the hazardous substances.

(b)(1) No person shall be liable under this subchapter for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice at the direction of the Arkansas Department of Environmental Quality, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof the release of a hazardous substance.

(2)(A) This subsection shall not preclude liability for damages as a result of gross negligence or intentional misconduct on the part of the person, nor shall this subsection preclude liability for damages and costs of remedial or removal action of any person liable for such damages and costs pursuant to subsection (a) of this section.

(B) For the purposes of subdivision (b)(2)(A) of this section, reckless, willful, or wanton misconduct shall constitute gross negligence.

(C)(1) A person taking ~~response~~ remedial or removal action under this subchapter as a contractor for the department shall not be liable under this subchapter or under any other state law to any person for injuries, costs, damages, expenses, or other liability, including, but not limited to, claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, or economic loss resulting from a release or threatened release of hazardous substances.

(2) However, the provisions of this subsection shall not apply in case of a release that is caused by the conduct of the person taking ~~response~~ remedial or removal action which is negligent, grossly negligent, or which constitutes intentional misconduct.

(d) A state employee or an employee of a political subdivision who provides services relating to remedial or removal action while acting within the scope of his authority as a governmental employee shall have the same exemption from liability, subject to the other provisions of this section, as is provided to the ~~response~~ removal or remediation action contractor under subsection (c) of this section.

(e)(1) Nothing in subsections (c) or (d) of this section shall affect the liability of any person under warranty under state or common law.

(2) Nothing in this subsection shall affect the liability of an employer taking ~~response~~ remedial or removal action to any employee of any such employer under any provision of law, including any provision of any law relating to workers' compensation.

SECTION 4. Arkansas Code Title 8, Chapter 7, Subchapter 4 is repealed:

~~8-7-401. Title.~~

~~This subchapter may be known and may be cited as the "Emergency Response Fund Act".~~

~~8-7-402. Legislative Intent~~

~~It is the intent of the General Assembly:~~

~~(1) To provide the state with the authority necessary to protect the public's health and safety and the environment from releases or threatened releases of hazardous substances; and~~

~~(2) To provide emergency response capabilities necessary to promptly contain, control, or remove hazardous substances resulting from spills or accidental releases.~~

~~8-7-403. Definitions~~

~~(a) As used in this subchapter, unless the context otherwise requires:~~

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

~~(2) "Department" means the Arkansas Department of Environmental Quality;~~

~~(3) "Director" means the Director of the Arkansas Department of~~

Environmental Quality;

(4) ~~"Federal act" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510;~~

(5) ~~"Fund" means the Emergency Response Fund created by this subchapter;~~

(6) ~~"Hazardous substance" means:~~

(A)(i) ~~As of March 20, 1985, any substance designated pursuant to § 311(b)(2)(A) of the Federal Water Pollution Control Act, Pub. L. 92-500;~~

(ii) ~~Any element, compound mixture, solution, or substance designated pursuant to § 102 of Title I of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510;~~

(iii) ~~Any hazardous waste, including polychlorinated biphenyls, as defined by the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., and the regulations promulgated thereunder;~~

(iv) ~~Any toxic pollutant listed under § 307(a) of the Federal Water Pollution Control Act, Pub. L. 92-500;~~

(v) ~~Any hazardous air pollutant listed under § 112 of the federal Clean Air Act, Pub. L. 95-95; and~~

(vi) ~~Any hazardous chemical substance or mixture regulated under § 7 of the federal Toxic Substances Control Act, Pub. L. 94-469; and~~

(B) ~~Any other substance or pollutant designated by regulations of the commission promulgated under this subchapter;~~

(7) ~~"Local government" means any city of the first class, any city of the second class, or any incorporated town or any county government of the State of Arkansas;~~

(8) ~~"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;~~

(9) ~~"Releases of hazardous substances" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of hazardous substances into the environment;~~

(10) ~~"Response action" means action necessary to effect permanent control, prevention, treatment, or containment of releases and threatened releases, including the removal of hazardous substances from the environment where such removal is necessary to protect the public health or safety. These actions are intended to include investigations designed to determine the need for and scope of remedial action and such planning, legal, fiscal, economic, engineering, geological, technical, or architectural studies as are necessary to plan and direct remedial actions, to recover the cost thereof, and to enforce the provisions of this subchapter;~~

(11) ~~"Threatened release" means any situation where a sudden release of hazardous substances can be reasonably expected unless prevented by a change of operation or the installation or construction of containment or treatment devices or by removal or other response action; and~~

(12) ~~"Treatment", "storage", "disposal", "generation", and "hazardous waste" shall have the meanings provided in § 8-7-203 and the regulations promulgated pursuant to the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq.~~

(b)(1) ~~As used in §§ 8-7-413--8-7-415, unless the context otherwise requires, "responsible party" means:~~

(A) ~~The owner or operator of a facility or site at which hazardous substances have been disposed of and from which releases or threatened releases of hazardous substances occur;~~

(B) ~~Any person who, at the time of disposal of a hazardous substance, owned or operated a facility or site from which releases or threatened releases of hazardous substances occur;~~

~~(C) Any generator of hazardous substances who causes a release or threatened release of hazardous substances or who, at the time of disposal, caused the substance to be disposed of at a facility or site from which releases or threatened releases of hazardous substances occur; or~~

~~(D) Any transporter of hazardous substances who causes a release or threatened release of such hazardous substances or who, at the time of disposal, selected the facility or site of disposal from which releases or threatened releases of the substances occur.~~

~~(2) "Responsible party" does not include:~~

~~(A) A person who merely provides financing or loans to a responsible party;~~

~~(B) A person who obtains title to property through foreclosure or through the conveyance of property in total or partial satisfaction of a mortgage or other security interest in property.~~

~~8-7-404. Penalties.~~

~~(a)(1) Any person who commits any unlawful act under this subchapter shall be guilty of a misdemeanor and upon conviction shall be subject to imprisonment for not more than one (1) year or to a fine of not more than ten thousand dollars (\$10,000), or to both a fine and imprisonment.~~

~~(2) Each day or part of a day during which the violation is continued or repeated shall constitute a separate offense.~~

~~(b) Any person who violates any provision of this subchapter or commits any unlawful act under this subchapter shall be subject to a civil penalty in such amount as the Director of the Arkansas Department of Environmental Quality shall find appropriate, not to exceed twenty five thousand dollars (\$25,000) per day of the violation, subject to the payment of any expenses reasonably incurred by the state in removing, correcting, or terminating any adverse effects resulting therefrom, including the cost of the investigation, inspection, or survey establishing such violation or unlawful act and subject to the payment to the state of reasonable compensation of any actual damage resulting therefrom.~~

~~8-7-405. Unlawful acts.~~

~~It shall be unlawful for any person:~~

~~(1) To violate any provision of this subchapter or any rule or regulation adopted under this subchapter;~~

~~(2) To knowingly make a false statement, representation, or certification in any report or other document filed or required by this subchapter or the rules and regulations adopted pursuant thereto;~~

~~(3) To violate any order issued by the Arkansas Department of Environmental Quality under this subchapter or any provision of such orders; or~~

~~(4) To fail to implement response actions in accordance with representations made by persons liable for a release or threatened release to the department as to their willingness and ability to appropriately respond to the release or threatened release for the purposes of § 8-7-408 (c).~~

~~8-7-406 Regulations—Administrative procedure.~~

~~The Arkansas Pollution Control and Ecology Commission shall adopt regulations under this subchapter necessary to implement or effectuate the purposes and intent of this subchapter, including, but not limited to, regulations affording any persons aggrieved by any order issued pursuant to this subchapter an opportunity for a hearing thereon, and commission review of the action.~~

~~Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the federal government and the state government shall be subject to and comply with this subchapter in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under §§ 8-7-413--8-7-416 and 8-7-418~~

~~8-7-408. Response authority of directory generally—Permits.~~

~~(a) The Director of the Arkansas Department of Environmental Quality is authorized to initiate and implement response actions under this subchapter whenever there is a release~~

~~or a threatened release of hazardous substances which may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment.~~

~~(b) Whenever the director has reason to believe that a release or threatened release of hazardous substances may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment, the director and the employees and the authorized representatives of the Arkansas Department of Environmental Quality shall have the right to enter upon any affected private or public property for the purpose of collecting information and for initiating and implementing appropriate response actions.~~

~~(c) Response actions are not authorized when the director has reasonable assurance that the person responsible for a release or threatened release has committed to and is capable of initiating corrective and remedial action in a timely manner and that the actions will achieve results equivalent to the results from response action authorized in this section.~~

~~(d) The department or any contractor of the department under this section, in taking response action pursuant to this subchapter, shall not be required to obtain any state or local permit for the portion of any response or remedial action conducted pursuant to this subchapter entirely on site, where the remedial action is otherwise carried out in compliance with the regulations of the department.~~

~~8-7-409. Orders of director — Responsibility of lenders.~~

~~(a) Upon finding that a release or a threatened release of hazardous substances may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment, the Director of the Arkansas Department of Environmental Quality may, without notice or hearing, issue an order reciting the existence of such an imminent hazard and substantial endangerment and requiring that such action be taken as he determines necessary to protect the health and safety of any affected or threatened persons or the environment and to otherwise meet the emergency.~~

~~(b) The order of the director may include, but is not limited to, requiring any person responsible in whole or in part for the release or threatened release or any person in total or partial control of the site, facility, or transport vehicle from which the release or threatened release emanates, if that person has caused or contributed to the release or threatened release, to take such steps as are necessary to protect the public health and safety and the environment.~~

~~(c) A person shall not be deemed responsible for or to have caused or contributed to the release or threatened release of hazardous substances if such person merely provides financing or loans to another person or obtains title to property through foreclosure or through conveyance of property in total or partial satisfaction of a mortgage or other security interest in property.~~

~~(d) The orders may be issued verbally or in writing. If originally issued verbally, a written order will be issued by the director confirming the verbal order as soon as reasonably possible to do so.~~

~~(e) Any person to whom the order is directed shall comply therewith immediately but, upon written application to the director, shall be afforded a hearing and administrative review of the order within ten (10) days of making the application.~~

~~8-7-410. Emergency Response Fund.~~

~~(a) There is created the Emergency Response Fund.~~

~~(b)(1) There is authorized to be deposited in the Emergency Response Fund all moneys recovered pursuant to § 8-4-417, any moneys received by the state as a gift or donation to the fund, all interest earned upon moneys deposited in the fund, and all moneys received as penalties pursuant to the Arkansas Water and Air Pollution Control Act, § 8-4-101 et seq., the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., the Arkansas Solid Waste Management Act, § 8-6-201 et seq., the Lead-Based Paint Hazard Act, § 8-4401 et seq., and the Removal of Asbestos Material Act, § 20-27-1001 et seq.~~

~~(2) However, in the event the total amount in the Emergency Response Fund equals or exceeds one hundred fifty thousand dollars (\$150,000), any additional moneys collected pursuant to this section shall be deposited in the Hazardous Substance Remedial Action Trust Fund.~~

~~(c) The Emergency Response Fund as created by this section shall be administered by the Director of the Arkansas Department of Environmental Quality who shall authorize expenditures from the fund for the following purposes:~~

~~(1) The purchase of any commodities or services necessary in taking response actions in connection with a release or a threatened release of hazardous substances; and~~

~~(2) For reimbursement of all costs incurred by the Arkansas Department of Environmental Quality in taking response actions in connection with a release or a threatened release of hazardous substances.~~

~~8-7-411. Limitations upon expenditures.~~

~~(a) An expenditure authorized under this subchapter shall be limited to those situations where spill control and countermeasures plans or contingency plans which are required by state or federal statutes or regulations do not apply or where the resources obligated under the plans prove insufficient to contain, control, or remove hazardous substances to the extent required to protect the public's health and safety.~~

~~(b) The Director of the Arkansas Department of Environmental Quality is not authorized to expend in excess of sixty thousand dollars (\$60,000) on any single response action without Arkansas Pollution Control and Ecology Commission approval.~~

~~8-7-412. Furnishing of information.~~

~~(a)(1) For the purpose of assisting in determining the need for response actions in connection with a release or threat of release of hazardous substances under this subchapter or for enforcing the provisions of this subchapter, any person who stores, treats, or disposes of hazardous substances, or, if necessary, to ascertain facts not available at the site or facility where such hazardous substances are stored, treated, or disposed of, any person who generates, transports, or otherwise handles or has handled hazardous substances shall, upon request of any officer or employee of the Arkansas Department of Environmental Quality, furnish information relating to the substance and permit that person at all reasonable times to have access to and to copy all records relating to the substances and to inspect and obtain samples of any of the substances or other materials.~~

~~(2) However, any information which would constitute a trade secret under the Arkansas Trade Secrets Act, § 4-75-601 et seq., obtained by the department or its employees in the administration of this subchapter, except emission data, shall be kept confidential.~~

~~(b) Any violation of this section shall be unlawful and constitute a misdemeanor.~~

~~8-7-413. Liability of responsible parties.~~

~~(a) Responsible parties shall be liable to the state for all costs and expenditures of response actions incurred by the state and shall be liable to local governments for all costs and expenditures of response actions incurred by local governments.~~

~~(b)(1) No person shall be liable under this section for damages as a result of actions taken or committed at the direction of the Arkansas Department of Environmental Quality in the course of rendering care, assistance, or advice with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof.~~

~~(2) This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of the person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.~~

~~8-7-414. Apportionment of costs and expenditures.~~

~~(a)(1) Any party found liable for any costs or expenditures recoverable under §§ 8-7-413, 8-7-415, 8-7-416, and 8-7-418 which establishes by a preponderance of the evidence that only a portion of such costs or expenditures are attributable to his or her actions shall be required to pay only for that portion.~~

~~(2) If the trier of fact finds the evidence insufficient to establish each party's portion of costs or expenditures, the court shall apportion the costs or expenditures, to the extent practicable, according to equitable principles, among the responsible parties.~~

~~(b)(1) In any action under this section, no responsible party shall be liable for more than that party's apportioned share of the amount expended for such response action.~~

~~(2) The apportioned share shall be based on a responsible party's portion of the total volume of the hazardous substance at the site in question at the time of action taken under this subchapter.~~

~~(3) Any expenditures required by the provisions of this subchapter made by a responsible party, before or after suit, shall be credited toward any apportioned share.~~

~~8-7-415. Recovery of expenditures generally.~~

~~(a) Making use of any and all appropriate existing state legal remedies, the Arkansas Department of Environmental Quality or the Attorney General shall act to recover the amount expended by the state for any and all response actions from any and all identified responsible parties for each facility or site.~~

~~(b) All moneys recovered from responsible parties for expenditures from the fund~~

~~shall be deposited in the Emergency Response Fund.~~

~~8-7-416. Recovery of expenditures-Limitations.~~

~~(a) No person, including the state, may recover under the authority of this section, §§ 8-7-413--8-7-415, and 8-7-418 for any response costs or damages resulting from the application, in accordance with label directions, of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.~~

~~(b) No person, including the state, may recover under the authority of this section for any response costs or damages resulting solely from an act or omission of a third party or from an act of God or an act of war.~~

~~8-7-417. Liens for expenditures and value of improvements.~~

~~(a) In the case that the owner of real property that is the location of a release or threatened release upon which response activities are performed under this subchapter is responsible in whole or in part for causing the release or threatened release, there shall exist a lien against such property for the moneys expended by the state, including, but not limited to, expenditures from the Emergency Response Fund. If the expenditure results in an increase in the value of the property, the lien shall also be for the increase in value.~~

~~(b) The lien shall be effective upon the filing of a notice of lien by the state or by the state agency which made the expenditure. This notice shall be filed with the circuit clerk in the county in which the land is located.~~

~~(c) The lien obtained by this section shall not exceed the amount of expenditures, as itemized on an affidavit of expenditures attached to and filed with the notice of lien, and the increase in property value as a result of the response action taken, as determined by an independent appraisal. A copy of the appraisal shall also be attached to and filed with the notice of lien.~~

~~(d) The notice of lien shall be filed within thirty (30) days of the date of the last act performed on such property by the Arkansas Department of Environmental Quality or other affected state agency or its agent under this subchapter.~~

~~(e) Upon filing of the notice of lien, a copy with attachments shall be served upon the property owner in the manner provided for enforcement of mechanics' or materialmen's liens.~~

~~(f) Any and all moneys recovered by or reimbursed to the department pursuant to this section through voluntary agreements or court orders shall be deposited and credited to the account of the Emergency Response Fund.~~

~~8-7-418. Punitive damages.~~

~~If any person who is liable for a release or threatened release of a hazardous substance fails, without sufficient cause, to implement response action in accordance with representations made by the person to the Arkansas Department of Environmental Quality for the purposes of § 8-7-408 (c) or fails to properly provide response action upon order of the department, the person may be liable to the state for punitive damages in an amount equal to three (3) times the amount of any costs incurred by the state as a result of the failure to take proper action.~~

~~8-7-419. Appeals.~~

~~An appeal may be taken from any final order of the Arkansas Department of Environmental Quality issued under this subchapter as provided in §§ 8-4-205, 8-4-212--8-4-214, and 8-4-218--8-4-229, and in accordance with regulations promulgated by the Arkansas Pollution Control and Ecology Commission under this subchapter.~~

~~8-7-420. Liability for injuries, etc.-- Exceptions.~~

~~(a) A person taking response action under this subchapter as a contractor for the Arkansas Department of Environmental Quality shall not be liable under this subchapter or under any other state law to any person for injuries, costs, damages, expenses, or other liability, including, but not limited to, claims for indemnification or contribution and claims by third parties for death, personal injury, illness, loss of or damage to property, or economic loss resulting from a release or threatened release of hazardous substances.~~

~~(b) However, the provisions of subsection (a) of this section shall not apply in case of a release that is caused by the conduct of the person taking response action which is negligent, grossly negligent, or which constitutes intentional misconduct.~~

~~(c) A state employee or an employee of a political subdivision who provides services relating to response action while acting within the scope of his authority as a governmental employee shall have the same exemption from liability subject to the other provisions of this section as is provided to the contractor under subsections (a) and (b) of this section.~~

~~(d)(1) Nothing in subsections (a)-(c) of this section shall affect the liability of any person under warranty under state or common law.~~

~~(2) Nothing in this subsection shall affect the liability of an employer~~

~~taking response action to any employee of any such employer under any provision of law, including any provision of any law relating to workers' compensation.~~

~~8-7-421. Recycling transactions:~~

~~(a) The purposes of this section are:~~

- ~~(1) To promote the reuse and recycling of scrap material in Arkansas while protecting human health and the environment;~~
- ~~(2) To promote the goals of the Arkansas Pollution Prevention Act, § 8-10-201 et seq., and related Arkansas legislation intended to encourage recycling;~~
- ~~(3) To create greater equity in the statutory treatment of recycled versus virgin materials;~~
- ~~(4) To remove the disincentives and impediments to recycling in Arkansas created as an unintended consequence of certain liability provisions contained in this subchapter; and~~
- ~~(5) To incorporate into this subchapter amendments to the federal Comprehensive Environmental Response Compensation and Liability Act adopted by the United States Congress in 1999 in Pub. L. 106-113, thus ensuring that Arkansas law does not contain more stringent provisions than federal law.~~

~~(b)(1) For purposes of subsections (c) -- (f) of this section, a person who arranged for recycling of recyclable material shall not be a "responsible party" under § 8-7-403~~

~~(b)(1)(C) or (D) with respect to the recyclable materials.~~

~~(2) Nothing in this section shall be deemed to affect the liability of a person under § 8-7-403 (b)(1)(C) or (D) with respect to materials that are not recyclable materials as defined in subsection (c) of this section.~~

~~(c)(1) As used in this section, "recyclable material" means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber other than whole tires, scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to, or adhering to, the scrap material as a result of its normal and customary use prior to becoming scrap.~~

~~(2) However, "recyclable material" does not include:~~

~~(A) Shipping containers of a capacity from thirty liters (30 l) to three thousand liters (3,000 l), whether intact or not, having any hazardous substance, but not metal bits and pieces or hazardous substances that form an integral part of the container, contained on, or adhering thereto; or~~

~~(B) Any item of material that contains polychlorinated biphenyls at a concentration in excess of fifty (50) parts per million or any new standard promulgated pursuant to applicable federal laws.~~

~~(d) Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber other than whole tires shall be deemed to be arranging for recycling of recyclable materials, if the person who arranged for the transaction by selling recyclable material or otherwise arranging for the recycling of recyclable material can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:~~

- ~~(1) The recyclable material met a commercial specification grade;~~
- ~~(2) A market existed for the recyclable material;~~
- ~~(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a salable new product;~~

~~(4) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from virgin raw material;~~

~~(5) For transactions occurring ninety (90) days or more after August 13, 2001, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person, i.e., a consuming facility, was in compliance with substantive, not procedural or administrative, provisions of any federal, state, or local environmental law or regulation or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material; and~~

~~(6) For purposes of this subsection, "reasonable care" shall be determined using criteria that include:~~

~~(A) The price paid in the recycling transaction;~~

~~(B) The ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and~~

~~(C)(i) The result of inquiries made to the appropriate federal, state, or local environmental agency regarding the consuming facility's past and current compliance with substantive, not procedural or administrative, provisions of any federal, state, or local environmental law or regulation or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material.~~

~~(ii) For the purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.~~

~~(e)(1) Transactions involving scrap metal shall be deemed to be arranging for recycling, if the person who arranged for the transaction by selling recyclable material or otherwise arranging for the recycling of recyclable material can demonstrate by a preponderance of the evidence that at the time of the transaction the person:~~

~~(A) Met the criteria set forth in subsection (d) of this section with respect to the scrap metal;~~

~~(B) Was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Arkansas Pollution Control and Ecology Commission promulgates subsequent to the enactment of this section and with regard to transactions occurring after the effective date of those regulations or standards; and~~

~~(C) Did not melt the scrap metal prior to the transaction.~~

~~(2) For purposes of subdivision (e)(1)(C) of this section, melting of scrap metal does not include the thermal separation of two (2) or more materials due to differences in their melting points, referred to as "sweating".~~

~~(3) Except for scrap metals that the federal Environmental Protection Agency or the commission excludes from this definition by regulation, for purposes of this subsection, the term "scrap metal" means:~~

~~(A) Bits and pieces of metal parts, such as bars, turnings, rods, sheets, or wire; or~~

~~(B) Metal pieces that may be combined together with bolts or soldering, such as radiators, scrap automobiles, or railroad box cars, which when worn or superfluous can be recycled.~~

~~(f) Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling, if the person who arranged for the transaction by selling recyclable material or otherwise arranging for the recycling of recyclable material can demonstrate by a preponderance of the evidence that at the time of the transaction:~~

~~(1) The person:~~

~~(A) Met the criteria set forth in subsection (d) of this section with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but did not recover the valuable components of those batteries; and~~

~~(B) With respect to transactions involving lead-acid batteries, was in compliance with applicable federal and Arkansas environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;~~

~~(2) With respect to transactions involving nickel-cadmium batteries, federal and Arkansas environmental regulations or standards were in effect~~

regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

(3) With respect to transactions involving other spent batteries, federal and Arkansas environmental regulations or standards were in effect regarding the storage, transport, management, or other activities associated with the recycling of those batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

(g)(1) The exemptions set forth in subsections (d)--(f) of this section shall not apply if the person:

(A) Had an objectively reasonable basis to believe at the time of the recycling transaction:

(i) That the recyclable material would not be recycled;

(ii) That the recyclable material would be burned as fuel or for energy recovery or incineration; or

(iii) For transactions occurring more than ninety (90) days after August 13, 2001, that the consuming facility was not in compliance with a substantive, not procedural or administrative, provision of any federal, Arkansas, or local environmental law or regulation or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

(B) Had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling; or

(C) Failed to exercise reasonable care with respect to the management and handling of the recyclable material, including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances.

(2) For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include:

(A) The size of the person's business;

(B) Customary industry practices, including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances;

(C) The price paid in the recycling transaction; and

(D) The ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

(h) Nothing in this section shall be deemed to affect the liability of a person under § 8-7-403(b)(1)(A) or (B).

(i) The commission is authorized to promulgate additional regulations concerning this section.

(j) The exemptions provided in this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the State of Arkansas before enactment of this section.

(k)(1) Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney's and expert witness fees.

(2) For the purpose of this subsection, the term "person" shall not include an agency, board, commission, or department of the State of Arkansas.

(l) Nothing in this section shall affect:

(1) Liability under any other federal, Arkansas, or local statute or regulation promulgated pursuant to any such statute, including any requirements promulgated by the commission under the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq.; or

~~(2) The ability of the commission to promulgate regulations under any other statute, including the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq.~~

~~(m) Nothing in this section shall be construed to:~~

~~(1) Affect any defenses or liabilities of any person to whom subdivision (b)(1) of this section does not apply; or~~

~~(2) Create any presumption of liability against any person to whom subdivision (b)(1) of this section does not apply.~~

SECTION 5. Arkansas Code § 8-4-103(f)(2), concerning the penalties collected for violations of the Arkansas Water and Air Pollution Control Act, is amended to read as follows:

(2) All moneys collected as civil penalties shall be deposited in the Emergency Response Fund Hazardous Substance Remedial Action Trust Fund as provided by ~~§ 8-7-410~~ § 8-7-509.

SECTION 6. Arkansas Code § 8-6-204(e)(2), concerning the penalties collected for violations of the Arkansas Solid Waste Management Act is amended to read as follows:

(2) All moneys collected as civil penalties pursuant to this section shall be deposited in the Emergency Response Fund Hazardous Substance Remedial Action Trust Fund as provided by ~~§ 8-7-410~~ § 8-7-509.

SECTION 7. Arkansas Code § 8-7-204(e)(2), concerning the penalties collected for violations of the Arkansas Hazardous Waste Management Act of 1979, is amended to read as follows:

(2) All moneys collected as civil penalties pursuant to this section shall be deposited in the Emergency Response Fund Hazardous Substance Remedial Action Trust Fund as provided by ~~§ 8-7-410~~ § 8-7-509.

SECTION 8. Arkansas Code § 8-7-503 is amended to read as follows:

8-7-503. Definitions.

As used in this subchapter, unless the context otherwise requires:

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

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

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

(4) "Federal act" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510;

(5) "Fund" means the Hazardous Substance Remedial Action Trust Fund created by this subchapter;

(6) "Hazardous substance" means:

(A)(i) As of March 21, 1985, any substance designated pursuant to § 311(b)(2)(A) of the Federal Water Pollution Control Act, Pub. L. 92-500;

(ii) Any element, compound, mixture, solution, or substance designated pursuant to § 102 of Title I of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510;

(iii) Any hazardous waste, including polychlorinated biphenyls, as defined by the Arkansas Hazardous Waste Management Act of 1979, 8-7-201 et seq., and the regulations promulgated thereunder;

(iv) Any toxic pollutant listed under § 307(a) of the Federal Water Pollution Control Act; (v) Any hazardous air pollutant listed under § 112 of the federal Clean Air Act; and

(vi) Any hazardous chemical substance or mixture regulated under § 7 of the federal Toxic Substances Control Act; and

(B) Any other substance or pollutant designated by regulations of the commission promulgated under this subchapter;

(7) "Hazardous substance sites" means any sites or facilities where hazardous substances have been disposed of or from which there is a release or threatened release of hazardous substances;

(8) "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;

(9) "Releases of hazardous substances" means, for the purpose of this subchapter, any spilling, leaking, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of hazardous substances into the environment;

(10) "Remedial action" means action necessary to effect permanent control, abatement, prevention, treatment, or containment of releases and threatened releases, including the removal of hazardous substances from the environment where removal is necessary to protect public health and the environment. Such actions are intended to include investigations designed to determine the need for and scope of remedial action and such planning, legal, fiscal, economic, engineering, geological, technical, or architectural studies as necessary to plan and direct remedial actions, to recover the cost thereof, and to enforce the provisions of this subchapter;

(11) "Threatened release" means, for the purpose of this subchapter, any situation where a sudden or nonsudden release of hazardous substances can be reasonably expected, unless prevented by change of operation or installation or construction of containment or treatment devices or by removal or other remedial action; ~~and~~

(12) "Treatment", "storage", "disposal", "generation", and "hazardous waste" shall have the meaning provided in § 3 of the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., and the regulations promulgated pursuant to that subchapter; and

(13) "Removal action" means:

(A) The necessary cleanup or removal of a released hazardous substance from the environment;

(B) Necessary actions taken in the event of a threatened release of a hazardous substance into the environment;

(C) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance;

(D) Disposal or processing of removed material; or

(E) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment that may otherwise result from a release or threatened release.

SECTION 9. Arkansas Code § 8-7-508 is amended to read as follows:

8-7-508. Remedial and removal authority of the department.

(a)(1) Upon finding that a hazardous substance site exists or may exist, the Arkansas Department of Environmental Quality may, upon reasonable notice and after opportunity for hearing, issue an order to any person liable for the site under § 8-7-512, if that person has caused or contributed to the release or threatened release of hazardous substances at the site. This order shall require that such remedial actions be taken as are necessary to investigate, control, prevent, abate, treat, or contain any releases or threatened releases of hazardous substances from the site.

~~(2) A person shall not be deemed to have caused or contributed to the release or threatened release of hazardous substances if such person merely provides financing or loans to another person or obtains title to property through foreclosure or through conveyance of property in total or partial satisfaction of a mortgage or other security interest in property.~~

~~(3)~~(2) The fact that such a site is or is not listed by the Arkansas Pollution Control and Ecology Commission pursuant to § 8-7-509 (e) shall in no manner limit the authority of the department under this subchapter.

(b) The Director of the Arkansas Department of Environmental Quality or any employee or authorized agent of the department may enter upon any private or public property for the purpose of collecting information under this subchapter and for initiating and implementing remedial actions.

(c) The director is authorized to initiate and implement remedial actions under this subchapter pursuant to the provisions of § 8-7-509.

(d) The department or any contractor of the department under this section, in taking removal or remedial actions pursuant to this subchapter, shall not be required to obtain any state or local permit for the portion of any response removal or remedial action conducted pursuant to this subchapter entirely on site, where the removal or remedial action is otherwise carried out in compliance with the regulations of the department.

(e) The director is authorized to initiate and implement removal actions under this subchapter whenever there is a release or a threatened release of hazardous substances which may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment.

(f) Whenever the director has reason to believe that a release or threatened release of hazardous substances may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment, the director and the employees and the authorized representatives of the Arkansas Department of Environmental Quality shall have the right to enter upon any affected private or public property for the purpose of collecting information and for initiating and implementing appropriate removal or remedial actions.

(g) Removal actions are not authorized when the director has reasonable assurance that the person responsible for a release or threatened release has committed to and is capable of initiating corrective and removal action in a timely manner and that the actions will achieve results equivalent to the results from removal action authorized in this section..

(h) Upon finding that a release or a threatened release of hazardous substances may present an imminent and substantial endangerment to the public health, safety, or welfare or to the environment, the director may, without notice or hearing, issue an order reciting the existence of such an imminent hazard and substantial endangerment and requiring that such removal actions be taken as he or she determines necessary to protect the health and safety of any affected or threatened persons or the environment and to otherwise meet the emergency.

(i) The order of the director issued under subsection (h) may include, but is not limited to, requiring any person responsible in whole or in part for the release or threatened release or any person in total or partial control of the site, facility, or transport vehicle from which the release or threatened release emanates, if that person has caused or contributed to the release or threatened release, to take such steps as are necessary to protect the public health and safety and the environment.

(j) The Director of the Arkansas Department of Environmental Quality is not authorized to expend in excess of two hundred fifty thousand dollars (\$250,000) on any single removal action without Arkansas Pollution Control and Ecology Commission approval.

(k)(1) The orders issued under subsection (h) may be issued verbally or in writing.

(2) If originally issued verbally, a written order shall be issued by the director confirming the verbal order as soon as reasonably possible to do so.

(l) Any person to whom an order issued under subsection (h) is directed shall comply with the order immediately but, upon written request to the commission within ten (10) days of the order being issued by the director, shall be afforded a hearing and administrative review of the order within ten (10) days after filing the written request.

(m) A person shall not be deemed to be liable for, responsible for, or to have caused or contributed to the release or threatened release of hazardous substances pursuant to any provision of this subchapter if the person merely provides financing or loans to another person or obtains title to property through foreclosure or through conveyance of property in total or partial satisfaction of a mortgage or other security interest in property.

SECTION 10. Arkansas Code § 8-7-509 is amended to read as follows:

8-7-509. Hazardous Substance Remedial Action Trust Fund.

(a) The Hazardous Substance Remedial Action Trust Fund is created.

(b) The Hazardous Substance Remedial Action Trust Fund will be administered by the Director of the Arkansas Department of Environmental Quality, who shall authorize expenditures from the Hazardous Substance Remedial Action Trust Fund.

(c)(1) Any moneys remaining in the Emergency Response Fund as of June 30, 2005, shall be transferred in their entirety to the Hazardous Substance Remedial Action Trust Fund.

(2) Beginning July 1, 2005, the Hazardous Substance Remedial Action Trust Fund shall consist of all moneys received as penalties under §§ 8-4-101 -- 8-4-106, 8-4-201 -- 8-4-229, 8-4-301 -- 8-4-313, 8-4-401 -- 8-4-409, 8-6-201 -- 8-6-214, 8-7-201 -- 8-7-226, 8-7-504, and 20-27-1001 -- 20-27-1007.

(3) In addition to all moneys appropriated by the General Assembly to the

Hazardous Substance Remedial Action Trust Fund, there shall be deposited in the Hazardous Substance Remedial Action Trust Fund any moneys received by the state as a gift or donation to the Hazardous Substance Remedial Action Trust Fund and all interest earned upon money deposited in the Hazardous Substance Remedial Action Trust Fund, all fees assessed under § 8-7-518, all costs recovered from the Emergency Response Fund, all punitive damages collected pursuant to §8-7-517, and any other moneys legally designated for the Hazardous Substance Remedial Action Trust Fund.

~~(2)~~(4) In addition, there is authorized to be deposited in the Hazardous Substance Remedial Action Trust Fund all moneys recovered pursuant to § 8-7-514 and all moneys received as penalties pursuant to § 8-7-504 except for that portion of the civil penalties specified in § 8-7-504 (c) to be deposited in the Remedial Action Account of the Construction Assistance Revolving Loan Fund established pursuant to § 15-5-901.

(d) Ten percent (10%) of the moneys collected for the Hazardous Substance Remedial Action Trust Fund after July 1, 1991, shall be deposited in the Environmental Education Fund. Total deposit of funds shall not exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal year. The remaining moneys in the Hazardous Substance Remedial Action Trust Fund may be expended by the director ~~solely for the purposes pursuant to provisions of subsection (e) of this section~~ as authorized by this subsection (d) and subsection (e) of this section:

(1) The costs and expenses reasonably necessary for the administration of this subchapter by the Arkansas Department of Environmental Quality;

(2) The state share mandated by § 104(c)(3) of the federal act, 42 U.S.C. § 9604 (c)(3); and

(3) To provide for the investigation, identification, containment, abatement, treatment, or control, including monitoring and maintenance, of hazardous substance sites within the state. The director may enter into the contracts and use the funds for those purposes directly associated with identification, investigation, containment, abatement, treatment, or control, including monitoring and maintenance, prescribed above, including:

(A) Hiring of personnel;

(B) Purchase, lease, or rental of equipment; and

Other necessary expenses related to the operation and implementation of this subchapter.

(e) The moneys in the Hazardous Substance Remedial Action Trust Fund may be expended by the director for removal actions, including:

(1) The purchase of any commodities or services necessary in taking removal actions in connection with a release or threatened release; and

(2) Reimbursement of all costs incurred by the Arkansas Department of Environmental Quality in taking removal actions in connection with a release or threatened release.

~~(e)(1)~~(f)(1) No expenditures from the Hazardous Substance Remedial Action Trust Fund, as authorized by subdivisions (d)(2) and (d)(3) of this section, shall be made prior to the approval by the Arkansas Pollution Control and Ecology Commission of a prioritized listing of hazardous substance sites at which remedial actions are authorized through the use of Hazardous Substance Remedial Action Trust Fund moneys. This listing shall be revised annually by the department and submitted to the commission for approval after public notice and opportunity for hearing.

(2) Upon a showing that a release of a hazardous substance at a site exists and will continue without expeditious remedial action, the commission may list the site on the prioritized listing pursuant to the procedures set out in § 8-4-202(e) prior to public notice and thereby authorize the director to expend funds pursuant to subdivision (d)(3) of this section. Such an emergency listing need not be supported by a factual showing of irreparable harm or imminent and substantial endangerment.

~~(f)(1)~~(g)(1) Notwithstanding the provisions of §§ 19-6-108 and §19-6-601, grants to the state under the federal Resource Conservation and Recovery Act and the federal Comprehensive Environmental Response, Compensation and Liability Act, as each may be amended from time to time, and otherwise from the federal Environmental Protection Agency received by the Treasurer of State from the federal government are declared to be cash

funds restricted in their use and dedicated and are to be used solely as authorized in this subchapter and §§ 15-5-901--15-5-906.

(2) The cash funds, when received by the Treasurer of State, shall not be deposited or deemed to be a part of the State Treasury for the purposes of Arkansas Constitution, Article 5 § 29, Arkansas Constitution, Article 16 § 12, Arkansas Constitution, Amendment 20, or any other constitutional or statutory provisions.

SECTION 10. Arkansas Code § 8-7-509 is amended to read as follows:

8-7-509. Hazardous Substance Remedial Action Trust Fund.

(a) The Hazardous Substance Remedial Action Trust Fund is created.

(b) The Hazardous Substance Remedial Action Trust Fund will be administered by the Director of the Arkansas Department of Environmental Quality, who shall authorize expenditures from the Hazardous Substance Remedial Action Trust Fund.

(c)(1) Any moneys remaining in the Emergency Response Fund as of June 30, 2005, shall be transferred in their entirety to the Hazardous Substance Remedial Action Trust Fund.

(2) Beginning July 1, 2005, the Hazardous Substance Remedial Action Trust Fund shall consist of all moneys received as penalties under §§ 8-4-101 -- 8-4-106, 8-4-201 -- 8-4-229, 8-4-301 -- 8-4-313, 8-4-401 -- 8-4-409, 8-6-201 -- 8-6-214, 8-7-201 -- 8-7-226, 8-7-504, and 20-27-1001 -- 20-27-1007.

(3) In addition to all moneys appropriated by the General Assembly to the Hazardous Substance Remedial Action Trust Fund, there shall be deposited in the Hazardous Substance Remedial Action Trust Fund any moneys received by the state as a gift or donation to the Hazardous Substance Remedial Action Trust Fund and all interest earned upon money deposited in the Hazardous Substance Remedial Action Trust Fund, all fees assessed under § 8-7-518, all costs recovered from the Emergency Response Fund, all punitive damages collected pursuant to §8-7-517, and any other moneys legally designated for the Hazardous Substance Remedial Action Trust Fund.

~~(2)~~(4) In addition, there is authorized to be deposited in the Hazardous Substance Remedial Action Trust Fund all moneys recovered pursuant to § 8-7-514 and all moneys received as penalties pursuant to § 8-7-504 except for that portion of the civil penalties specified in § 8-7-504 (c) to be deposited in the Remedial Action Account of the Construction Assistance Revolving Loan Fund established pursuant to § 15-5-901.

(d) Ten percent (10%) of the moneys collected for the Hazardous Substance Remedial Action Trust Fund after July 1, 1991, shall be deposited in the Environmental Education Fund. Total deposit of funds shall not exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal year. The remaining moneys in the Hazardous Substance Remedial Action Trust Fund may be expended by the director ~~solely for the purposes pursuant to provisions of subsection (e) of this section~~ as authorized by this subsection (d) and subsection (e) of this section:

(1) The costs and expenses reasonably necessary for the administration of this subchapter by the Arkansas Department of Environmental Quality;

(2) The state share mandated by § 104(c)(3) of the federal act, 42 U.S.C. § 9604 (c)(3); and

(3) To provide for the investigation, identification, containment, abatement, treatment, or control, including monitoring and maintenance, of hazardous substance sites within the state.

The director may enter into the contracts and use the funds for those purposes directly associated with identification, investigation, containment, abatement, treatment, or control, including monitoring and maintenance, prescribed above, including:

(A) Hiring of personnel;

(B) Purchase, lease, or rental of equipment; and

Other necessary expenses related to the operation and implementation of this subchapter.

(e) The moneys in the Hazardous Substance Remedial Action Trust Fund may be expended by the director for removal actions, including:

(1) The purchase of any commodities or services necessary in taking removal actions in connection with a release or threatened release; and

(2) Reimbursement of all costs incurred by the Arkansas Department

of Environmental Quality in taking removal actions in connection with a release or threatened release.

~~(e)(1)~~~~(f)(1)~~ (1) No expenditures from the Hazardous Substance Remedial Action Trust Fund, as authorized by subdivisions (d)(2) and (d)(3) of this section, shall be made prior to the approval by the Arkansas Pollution Control and Ecology Commission of a prioritized listing of hazardous substance sites at which remedial actions are authorized through the use of Hazardous Substance Remedial Action Trust Fund moneys. This listing shall be revised annually by the department and submitted to the commission for approval after public notice and opportunity for hearing.

(2) Upon a showing that a release of a hazardous substance at a site exists and will continue without expeditious remedial action, the commission may list the site on the prioritized listing pursuant to the procedures set out in § 8-4-202(e) prior to public notice and thereby authorize the director to expend funds pursuant to subdivision (d)(3) of this section. Such an emergency listing need not be supported by a factual showing of irreparable harm or imminent and substantial endangerment.

~~(f)(1)~~~~(g)(1)~~ (1) Notwithstanding the provisions of §§ 19-6-108 and §19-6-601, grants to the state under the federal Resource Conservation and Recovery Act and the federal Comprehensive Environmental Response, Compensation and Liability Act, as each may be amended from time to time, and otherwise from the federal Environmental Protection Agency received by the Treasurer of State from the federal government are declared to be cash funds restricted in their use and dedicated and are to be used solely as authorized in this subchapter and §§ 15-5-901--15-5-906.

(2) The cash funds, when received by the Treasurer of State, shall not be deposited or deemed to be a part of the State Treasury for the purposes of Arkansas Constitution, Article 5 § 29, Arkansas Constitution, Article 16 § 12, Arkansas Constitution, Amendment 20, or any other constitutional or statutory provisions.

(3) The Treasurer of State shall pay the cash funds to the Arkansas Development Finance Authority for deposit in the Remedial Action Account of the Construction Assistance Revolving Loan Fund established pursuant to § 15-5-901 to be used for the purposes authorized by this subchapter and §§ 15-5- 901--15-5-906.

(4) Such federal grants transferred directly to the Arkansas Development Finance Authority are declared to be cash funds restricted in their use and dedicated and to be used solely as authorized in this subchapter and §§ 15- 5-901--15-5-906.

SECTION 11. Arkansas Code § 8-7-514 is amended to read as follows:

8-7-514. Recovery of expenditures generally.

(a) After an expenditure from the Hazardous Substance Remedial Action Trust Fund for a removal or remedial action, the Arkansas Department of Environmental Quality shall institute action to recover the expenditure from the person or persons liable for causing the hazardous substance release, including taking any appropriate legal action.

(b) Making use of any and all appropriate existing state legal remedies, the department or the Attorney General shall act to recover the amount expended by the state for any and all ~~response~~ remedial or removal actions from any and all parties identified as responsible parties for each hazardous substance.

(c) All moneys recovered from responsible parties pursuant to this section shall be deposited in the fund.

SECTION 12. Arkansas Code § 8-7-515 is amended to read as follows:

8-7-515. Recovery of expenditures-limitations.

(a) No person, including the state, may recover under the authority of this section for any remedial or removal action costs or damages resulting from the application, in accordance with label directions of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

(b) No person, including the state, may recover under the authority of this section for any remedial or removal action costs or damages resulting solely from an act or omission of a third party or from an act of God or an act of war.

SECTION 13. Arkansas Code § 8-7-516 is amended to read as follows:

8-7-516. Liens for expenditures and value of improvements.

(a) If the owner of real property that is the location of a hazardous substance site upon which remedial or removal activity is performed under this subchapter is responsible, in whole or in part, for causing the hazardous substance release, there shall exist a lien against the property for the moneys expended. If the expenditure results in an increase in the value of the property, the lien shall also be for the increase in value.

(b) The lien shall be effective upon the filing by the Director of the Arkansas Department of Environmental Quality of a notice of lien with the circuit clerk in the county in which the land is located.

(c) The lien obtained by this section shall not exceed the amount of expenditures, as itemized on an affidavit of expenditures attached to and filed with the notice of lien, and the increase in property value as a result of the removal, remedial, or abatement action taken, as determined by an independent appraisal, a copy of which shall be attached to and filed with the notice of lien.

(d) The notice of lien shall be filed within thirty (30) days of the date of the last act performed on the property by the Arkansas Department of Environmental Quality or its agent under this subchapter.

(e) Upon filing of the notice of lien, a copy with attachments shall be served upon the property owner in the manner provided for enforcement of mechanics' or materialmen's liens.

(f) Any and all moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited and credited to the account of the ~~appropriate trust fund~~ Hazardous Substance Remedial Action Trust Fund.

SECTION 14. Arkansas Code § 8-7-517 is amended to read as follows:

8-7-517. Punitive damages.

If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide remedial or removal action upon order of the Arkansas Department of Environmental Quality, the person may be liable to the state for punitive damages in an amount equal to three (3) times the amount of any costs incurred by the state as a result of the failure to take proper action.

SECTION 15. Arkansas Code § 8-7-519 is amended to read as follows:

8-7-519. Appeals

An appeal may be taken from any final order of the Arkansas Department of Environmental Quality under this subchapter as provided in §§ 8-4-202, 8-4-210, 8-4-212--8-4-214, 8-4-218, 8-4-219, 8-4-221 ~~8-4-222~~ —8-4-229 and in accordance with regulations promulgated by the Arkansas Pollution Control and Ecology Commission under this subchapter.

SECTION 16. Arkansas Code § 8-7-521 is amended to read as follows:

8-7-521. Site Access for remedial or removal action.

(a) For purposes of responding to an administrative or judicial order or settlement entered pursuant to § 8-7-508, the owner or the operator of a facility which is a hazardous substance site, or any person who otherwise controls access to such facility, shall provide access to the Arkansas Department of Environmental Quality, any employee of the department, or any other person, duly designated by the Director of the Arkansas Department of Environmental Quality, who undertakes such activities as are required to carry out the terms of the said order or settlement.

(b) Any person who impedes or interferes with a person who is entitled to site access for the purpose of conducting remedial or removal action at a hazardous substance site pursuant to the terms of an administrative or judicial order or settlement may be assessed a civil penalty by the department in an administrative proceeding or by the court in a judicial proceeding for a site access injunction of up to ten thousand dollars (\$10,000) per day that site access is impeded.

(c) Any person who knowingly impedes or interferes with a person who is entitled to site access for the purpose of conducting remedial or removal action at a hazardous substance site pursuant to the terms of an administrative or judicial order or settlement shall be guilty of a misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000) or imprisonment for up to one (1) year, or both.

SECTION 17. Title 8, Chapter 7, Subchapter 5 is amended to add a new subsection to read as follows:

8-7-1325. Appropriation.

On or after July 1, 2005, any appropriation made payable from the Emergency Response Fund shall be made payable from the Hazardous Substance Remedial Action Trust Fund.

SECTION 18. Arkansas Code § 19-5-929 is repealed:

~~19-5-929. Emergency Response Fund.~~

~~(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the~~

Emergency Response Fund.

~~(b) This fund shall consist of all moneys received as penalties pursuant to §§ 8-4-101 - 8-4-106, 8-4-201 - 8-4-229, 8-4-301 - 8-4-313, 8-4-401 - 8-4-409, 8-6-201 - 8-6-214, 8-7-201 - 8-7-226, as may be provided by law, there to be administered by the Director of the Arkansas Department of Environmental Quality for these purposes as may be provided by law.~~

SECTION 19. Arkansas Code § 20-27-1002(b), concerning penalties collected for violations of the Removal of Asbestos Material Act, is amended to read as follows:

(b) All moneys collected as civil penalties shall be deposited in the Emergency Response Fund Hazardous Substance Remedial Action Trust Fund as provided by § ~~8-7-410(b)(1)~~ § 8-7-509.

SECTION 20. Emergency Clause. The General Assembly of the State of Arkansas hereby finds and determines that the decision of the Arkansas Supreme Court in Brighton Corp. v. Arkansas Department of Environmental Quality, 352 Ark. 396, 102 S.W.3d 458 (2003), has raised questions regarding the factual proof required to establish a claim for cost recovery under the Arkansas Remedial Action Trust Fund Act and regarding the retroactivity of the statute. The General Assembly further finds and determines that the doubts raised by the decision in the Brighton case have created substantial uncertainty regarding the enforcement authority of the Arkansas Department of Environmental Quality and the rights and responsibilities of private parties under the Arkansas Remedial Action Trust Fund Act, all of which require urgent resolution. Therefore, an emergency is declared to exist; and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2005, and shall apply retroactively.

(SIGNED) SENATOR SHAWN WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **RECEDE** * * * * *

On motion of Senator Womack the Senate rescinded its previous action in the adoption of **Amendment No. 1 to Senate Bill No. 1099.**

On motion of Senator G. Jeffress, **House Bill No. 2517** was called up for third reading and final disposition.

HOUSE BILL NO. 2517

As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PICKETT
BY: SENATOR G. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO INCREASE THE NUMBER OF HOURS OF TRAINING THAT A NEWLY ELECTED MEMBER OF A SCHOOL BOARD OF DIRECTORS IS REQUIRED TO OBTAIN FOLLOWING ELECTION; AND FOR OTHER PURPOSES.

House Bill No. 2517 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, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Taylor, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge, Mr. President.

Total32

NEGATIVE: Hendren, Holt, Steele.

Total3

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2517 was ordered immediately returned to the House as passed as amended.

On motion of Senator Baker, House Bill No. 1262 was called up for third reading and final disposition.

HOUSE BILL NO. 1262

As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT TO AMEND CERTAIN ARKANSAS ETHICS LAWS CONCERNING DISCLOSURE FOR MATTERS REFERRED TO VOTERS; AND FOR OTHER PURPOSES.

House Bill No. 1262 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1262 was ordered immediately returned to the House as passed as amended.

On motion of Senator Madison, House Bill No. 2578 was called up for third reading and final disposition.

HOUSE BILL NO. 2578

As Engrossed: H3/15/05 S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES J. MARTIN, M. MARTIN, ADCOCK, BERRY,
BORHAUER, COOK, DAVIS, DUNN, D. JOHNSON, W. LEWELLEN, MEDLEY,
PACE, PETRUS, SAUNDERS, SCROGGIN, WILLS, & FLOWERS
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO CREATE THE CRIMINAL
OFFENSE OF INTERNET STALKING OF A CHILD; AND FOR OTHER
PURPOSES.

House Bill No. 2578 was placed on third reading and final disposition, the
question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2578 was ordered immediately returned to the House as
passed as amended.

On motion of Senator Hendren, House Bill No. 2948 was called up for third
reading and final disposition.

HOUSE BILL NO. 2948

As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE J. MARTIN

A Bill for an Act to be Entitled: AN ACT TO REQUIRE A PLAINTIFF TO STATE IN HIS OR HER PETITION FOR DIVORCE WHETHER HE OR SHE IS SEEKING TO DISSOLVE A MARRIAGE OR A COVENANT MARRIAGE; AND FOR OTHER PURPOSES.

House Bill No. 2948 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2948 was ordered immediately returned to the House as passed as amended.

On motion of Senator Hendren, House Bill No. 1102 was called up for third reading and final disposition.

HOUSE BILL NO. 1102

As Engrossed: H1/25/05 H1/27/05 S3/29/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE T. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH LIMITATIONS REGARDING DISCLOSURE OF RECORDS OF CHILDREN'S ADVOCACY CENTERS; AND FOR OTHER PURPOSES.

House Bill No. 1102 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1102 was ordered immediately returned to the House as passed as amended.

On motion of Senator Madison, House Bill No. 1377 was called up for third reading and final disposition.

HOUSE BILL NO. 1377

As Engrossed: H2/16/05 S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE VERKAMP

A Bill for an Act to be Entitled: AN ACT TO LIMIT THE LIABILITY OF AN AGENT FOR SERVICE OF PROCESS UNDER A SYSTEMATIC RESIDENTIAL RENTAL PROPERTY INSPECTION PROGRAM; AND FOR OTHER PURPOSES.

House Bill No. 1377 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1377 was ordered immediately returned to the House as passed as amended.

On motion of Senator Steele, House Bill No. 2041 was called up for third reading and final disposition.

HOUSE BILL NO. 2041

As Engrossed: H3/2/05 H3/4/05 S3/29/05

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE CHILDERS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE COMPLETION OF AN ALCOHOL EDUCATION PROGRAM FOR EACH VIOLATION INVOLVING THE OFFENSE OF DRIVING WHILE INTOXICATED; TO INCREASE THE ALLOWABLE FEE FOR ALCOHOL EDUCATION PROGRAMS; TO AUTHORIZE PROBATION FEES IN CERTAIN CASES; AND FOR OTHER PURPOSES.

House Bill No. 2041 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. 2041 was ordered immediately returned to the House as passed as amended.

On motion of Senator Luker, House Bill No. 1795 was called up for third reading and final disposition.

HOUSE BILL NO. 1795

As Engrossed: H2/23/05 S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LEDBETTER

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT A STATE EMPLOYEE FROM RETAINING WITNESS OR MILEAGE FEES WHEN SUBPOENAED AS A WITNESS FOR A MATTER WITHIN THE SCOPE OF THE EMPLOYEE'S EMPLOYMENT; AND FOR OTHER PURPOSES.

House Bill No. 1795 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1795 was ordered immediately returned to the House as passed as amended.

On motion of Senator Wooldridge, **House Bill No. 2498** was called up for third reading and final disposition.

HOUSE BILL NO. 2498

As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES ROGERS & THOMPSON
BY: SENATORS CRITCHER & WOOLDRIDGE

A Bill for an Act to be Entitled: AN ACT TO *LIMIT* THE CLASSIFICATION REDUCTION PROVISION FOR CERTAIN PERSONS IN CASES OF HINDERING APPREHENSION OR PROSECUTION; AND FOR OTHER PURPOSES.

House Bill No. 2498 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2498 was ordered immediately returned to the House as passed as amended.

On motion of Senator Higginbothom, **House Bill No. 1280** was called up for third reading and final disposition.

HOUSE BILL NO. 1280
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES PETRUS, WYATT, COWLING, L. EVANS, SCROGGIN,
& SULLIVAN

BY: SENATOR HIGGINBOTHOM

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE METHOD FOR VALUING CERTAIN FARMLAND ENROLLED IN FEDERAL LAND PROGRAMS; AND FOR OTHER PURPOSES.

Senator J. Jeffress spoke against the Bill.

Senator Glover spoke for the Bill.

Senator Higginbothom closed for the Bill.

House Bill No. 1280 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, Critcher, Faris, Glover, Hendren, Higginbothom, Holt, B. Johnson, Laverty, Miller, Salmon, T. Smith, Taylor, Trusty, Whitaker, Womack, Wooldridge.

Total19

NEGATIVE: J. Jeffress.

Total1

ABSENT OR NOT VOTING: Bisbee, Broadway, Brown, Bryles, Capps, Hill, Horn, G. Jeffress, Luker, Madison, Malone, Steele, Wilkins, Wilkinson, Mr. President.

Total15

VOTING PRESENT:

Total0

Total number of votes cast.....20

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Higginbothom moved that the vote by which **House Bill No. 1280** passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Bill No. 1280 was ordered immediately returned to the House as passed.

On motion of Senator Baker, **House Bill No. 1445** was called up for third reading and final disposition.

HOUSE BILL NO. 1445

As Engrossed: S3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES JEFFREY & MEDLEY
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE CLASSIFICATION OF MURDER IN THE SECOND DEGREE FROM A CLASS B FELONY TO A CLASS A FELONY; AND FOR OTHER PURPOSES.

House Bill No. 1445 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1445 was ordered immediately returned to the House as passed as amended.

On motion of Senator Baker, House Bill No. 2421 was called up for third reading and final disposition.

HOUSE BILL NO. 2421

EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE CHILDERS

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT A COURT MAY ADD A PERIOD OF CONFINEMENT TO BE SERVED DURING A PERIOD OF SUSPENSION OR PROBATION EVEN IF A PERIOD OF CONFINEMENT WAS INCLUDED IN THE ORIGINAL ORDER OF SUSPENSION OR PROBATION; AND FOR OTHER PURPOSES.

House Bill No. 2421 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2421 was ordered immediately returned to the House as passed.

On motion of Senator Taylor, House Bill No. 2515 was called up for third reading and final disposition.

HOUSE BILL NO. 2515

As Engrossed: H3/10/05 S3/28/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

BY: REPRESENTATIVES BRADFORD, CLEMONS, FLOWERS, MAHONY,
MAXWELL, & BOLIN
BY: SENATOR J. TAYLOR

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

House Bill No. 2515 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2515 was ordered immediately returned to the House as passed as amended.

On motion of Senator Critcher, the rules were suspended in considering **House Bill No. 2367** at this time.

On motion of Senator Critcher, **House Bill No. 2367** 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. 2367

Amend **House Bill No. 2367** as originally introduced by:

Add Representative Wyatt as a cosponsor 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. 2367 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. 2.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 509

Amend **Senate Bill No. 509** as engrossed, S3/29/05:

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

AND

Page 2, delete lines 26 through 36

AND

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

AND

Page 3, delete lines 3 and 4, and substitute the following:
"with the director showing the total amount of income distributed or credited to its nonresident members and the amount of tax withheld and shall remit the amount of tax withheld."

AND

Page 3, line 7, delete "(4)" and substitute "(3)"

AND

Page 3, line 21, delete "or"

AND

Page 3, delete line 29, and substitute the following:
"(\$500) along with any other information requested by the director;
(5)(A) The entity has filed with the director on forms prescribed by the director the nonresident member's signed agreement to timely file an Arkansas nonresident individual income tax return, to pay any tax due on the return, and to be subject to the jurisdiction of the department in the courts of this state for the purpose of determining and collecting any Arkansas income tax together with interest and penalties owed by the nonresident member.

(B) The department may revoke the exception from the

withholding requirement in subdivision (c)(5)(A) of this section if it is determined that the nonresident member is not abiding by the terms of the agreement. At the time of revocation, the department shall notify the entity that withholding is required for future distributions to the nonresident member whose exception is revoked; or

(6) The income received by the nonresident member is exempt from Arkansas income tax pursuant to § 26-51-202(e)."

AND

Page 4, delete lines 7 and 8

AND

Page 4, delete line 9, and substitute the following:

"(4) On or before the fifteenth day of the fourth month"

AND

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

"total amount of income distributed or credited to its nonresident members and the amount of tax withheld and shall remit the tax due on the composite income tax return."

AND

Page 4, delete lines 14 through 16

(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 Hill, House Bill No. 2555 was called up for third reading and final disposition.

HOUSE BILL NO. 2555
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MACK

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT EACH COUNTY SHALL FILE ITS REAPPRAISAL MANAGEMENT PLAN WITH THE ASSESSMENT COORDINATION DEPARTMENT BY NOVEMBER 1 OF THE YEAR BEFORE REAPPRAISAL; AND FOR OTHER PURPOSES.

House Bill No. 2555 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2555 was ordered immediately returned to the House as passed.

On motion of Senator Broadway, **Senate Bill No. 1006** was called up for third reading and final disposition.

**SENATE BILL NO. 1006
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BROADWAY**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE NOTIFICATION OF AFFECTED SCHOOL DISTRICTS OF ALL PLANNING, DEVELOPMENT, OR REDEVELOPMENT ACTIVITY WITHIN A MUNICIPALITY OR COUNTY; AND FOR OTHER PURPOSES.

Senate Bill No. 1006 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1006 was ordered immediately transmitted to the House as passed.

On motion of Senator Broadway, **House Bill No. 2677** was called up for third reading and final disposition.

**HOUSE BILL NO. 2677
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE DANGEAU**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS BETTER CHANCE PROGRAM; TO CONTINUE PRIORITY FUNDING FOR CERTAIN PROGRAMS IN CERTAIN SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 2677 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. 2677 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, **House Bill No. 2172** was ordered re-referred to the Committee on JOINT BUDGET.

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

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

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1306** at this time.

On motion of Senator Bisbee, **House Bill No. 1306** was called up for third reading and final disposition.

**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 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 bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1306**, 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. 1306 was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1837** at this time.

On motion of Senator Bisbee, **House Bill No. 1837** was called up for third reading and final disposition.

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 placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1837**, 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. 1837 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 51, BY SENATOR J. JEFFRESS,
SENATE BILL NO. 401, BY SENATOR FARIS,
SENATE BILL NO. 424, BY SENATOR HORN,
SENATE BILL NO. 591, BY SENATOR BROADWAY,
SENATE BILL NO. 592, BY SENATOR BROADWAY,
SENATE BILL NO. 593, BY SENATOR BROADWAY,
SENATE BILL NO. 937, BY SENATOR LUKER,
SENATE BILL NO. 46, BY SENATOR WOMACK,
SENATE BILL NO. 153, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 817, BY SENATOR LAVERTY,
SENATE BILL NO. 1082, BY SENATOR BISBEE,
SENATE BILL NO. 1075, BY SENATOR J. TAYLOR,
SENATE BILL NO. 150, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 1098, BY SENATOR WOMACK,

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 11:00 a.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 51
SENATE BILL NO. 401
SENATE BILL NO. 424
SENATE BILL NO. 591
SENATE BILL NO. 592
SENATE BILL NO. 593
SENATE BILL NO. 937
SENATE BILL NO. 46
SENATE BILL NO. 153
SENATE BILL NO. 817
SENATE BILL NO. 1082
SENATE BILL NO. 1075
SENATE BILL NO. 150
SENATE BILL NO. 1098

RECEIVED the above papers from the Secretary of the Senate this 30th day of March, 2005 at 11:00 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) Cory Cox
Secretary

Senate Bills returned from the House as passed as amended.

SENATE BILL NO. 392
SENATE BILL NO. 941
SENATE BILL NO. 1078

On motion of Senator Madison, **Senate Bill No. 392** was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Bisbee, **Senate Bill No. 941** was ordered re-referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1187
As Engrossed: H3/29/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SULLIVAN

A Bill for an Act to be Entitled: *AN ACT TO MAINTAIN ADDITIONAL FUNDING SOURCES FOR DISTRICT JUDGE AND DISTRICT CLERK RETIREMENTS; AND FOR OTHER PURPOSES.*

House Bill No. 1187 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1612
As Engrossed: H3/18/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PACE
BY: SENATORS BISBEE & HENDREN

A Bill for an Act to be Entitled: *AN ACT TO DISCLOSE THE TOTAL PAYMENT OF PUBLIC FUNDS ON CAPITAL IMPROVEMENT PROJECTS; AND FOR OTHER PURPOSES.*

House Bill No. 1612 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. 1785
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRIGHT

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT THE OPERATION OF UNLICENSED ASSISTED LIVING OR RESIDENTIAL CARE FACILITIES IN THIS STATE; TO PROVIDE THAT CERTAIN FACILITIES CURRENTLY IN OPERATION MUST OBTAIN LICENSES BY A DATE CERTAIN; AND FOR OTHER PURPOSES.

House Bill No. 1785 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. 2491
As Engrossed: H3/25/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE RANKIN

A Bill for an Act to be Entitled: AN ACT TO REQUIRE OWNERS OF NEW BAIL BOND COMPANIES TO HAVE BEEN LICENSED BAIL BOND AGENTS FOR AT LEAST TWO (2) YEARS; AND FOR OTHER PURPOSES.

House Bill No. 2491 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 2598
As Engrossed: H3/16/05 H3/25/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE D. JOHNSON

A Bill for an Act to be Entitled: *AN ACT TO AUTHORIZE THE STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE BOARD TO OBTAIN QUALITY-OF-CARE INFORMATION FROM NETWORKS, HOSPITALS, AND CLINICAL PROVIDERS TO INFORM PLAN DESIGN, PLAN MANAGEMENT, AND CONSUMER DECISIONS; AND FOR OTHER PURPOSES.*

House Bill No. 2598 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. 2828
As Engrossed: H3/24/05
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE SUMPTER

A Bill for an Act to be Entitled: *AN ACT TO ALLOW A FORFEITED MOTOR VEHICLE TO BE TRANSFERRED TO A SCHOOL DISTRICT FOR USE IN DRIVER EDUCATION COURSES; AND FOR OTHER PURPOSES.*

House Bill No. 2828 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2833
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PATE

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE DRIVERS OF MOTORCYCLES TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC-CONTROL DEVICE ONLY IF THE TRAFFIC-CONTROL DEVICE USES A VEHICLE SENSOR THAT FAILS TO DETECT THE MOTORCYCLE BECAUSE OF ITS SIZE OR WEIGHT; AND FOR OTHER PURPOSES.

House Bill No. 2833 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 2942
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE DANGEAU

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE DISPOSAL OF LARGE TRUCK TIRES; AND FOR OTHER PURPOSES.

House Bill No. 2942 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

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

- SENATE BILL NO. 15
- SENATE BILL NO. 52
- SENATE BILL NO. 391
- SENATE BILL NO. 403
- SENATE BILL NO. 406
- SENATE BILL NO. 407
- SENATE BILL NO. 408
- SENATE BILL NO. 432
- SENATE BILL NO. 458
- SENATE BILL NO. 470
- SENATE BILL NO. 471
- SENATE BILL NO. 506
- SENATE BILL NO. 513
- SENATE BILL NO. 518
- SENATE BILL NO. 544
- SENATE BILL NO. 546
- SENATE BILL NO. 563
- SENATE BILL NO. 564
- SENATE BILL NO. 578
- SENATE BILL NO. 683
- SENATE BILL NO. 684
- SENATE BILL NO. 685
- SENATE BILL NO. 686
- SENATE BILL NO. 687
- SENATE BILL NO. 688
- SENATE BILL NO. 689
- SENATE BILL NO. 690
- SENATE BILL NO. 691
- SENATE BILL NO. 692
- SENATE BILL NO. 714
- SENATE BILL NO. 715
- SENATE BILL NO. 716
- SENATE BILL NO. 717
- SENATE BILL NO. 737
- SENATE BILL NO. 738
- SENATE BILL NO. 982

SENATE BILL NO. 1167
SENATE BILL NO. 739
SENATE BILL NO. 740
SENATE BILL NO. 741
SENATE BILL NO. 742
SENATE BILL NO. 743
SENATE BILL NO. 744
SENATE BILL NO. 745
SENATE BILL NO. 758
SENATE BILL NO. 759
SENATE BILL NO. 760
SENATE BILL NO. 761
SENATE BILL NO. 763
SENATE BILL NO. 795
SENATE BILL NO. 835
SENATE BILL NO. 837
SENATE BILL NO. 838
SENATE BILL NO. 839
SENATE BILL NO. 840
SENATE BILL NO. 841
SENATE BILL NO. 842
SENATE BILL NO. 843
SENATE BILL NO. 844
SENATE BILL NO. 845
SENATE BILL NO. 846
SENATE BILL NO. 847
SENATE BILL NO. 848
SENATE BILL NO. 849
SENATE BILL NO. 850
SENATE BILL NO. 851
SENATE BILL NO. 852
SENATE BILL NO. 853
SENATE BILL NO. 854
SENATE BILL NO. 856
SENATE BILL NO. 857
SENATE BILL NO. 860
SENATE BILL NO. 875
SENATE BILL NO. 881

SENATE BILL NO. 882

SENATE BILL NO. 890

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 266, BY SENATOR MADISON,
SENATE BILL NO. 762, BY SENATOR WHITAKER,

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 CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE RESOLUTION NO. 10, BY SENATOR BOOKOUT,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

SENATE BILL NO. 509, BY SENATOR HILL,
SENATE BILL NO. 980, BY SENATOR BOOKOUT,

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

On motion of Senator Bookout, **Senate Bill No. 980** was ordered re-referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE
EIGHTY-FIFTH GENERAL ASSEMBLY
REGULAR SESSION

March 30, 2005

Mr. President:

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

HOUSE BILL NO. 2367, BY REPRESENTATIVE LEDBETTER,

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

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 444
SENATE BILL NO. 583
SENATE BILL NO. 936
SENATE BILL NO. 944
SENATE BILL NO. 990
SENATE BILL NO. 1006
SENATE BILL NO. 1015
SENATE BILL NO. 1054
SENATE BILL NO. 1106
SENATE BILL NO. 1176

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 18

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 1015
HOUSE BILL NO. 1280
HOUSE BILL NO. 1306
HOUSE BILL NO. 1682
HOUSE BILL NO. 1837
HOUSE BILL NO. 2099
HOUSE BILL NO. 2100
HOUSE BILL NO. 2421
HOUSE BILL NO. 2555
HOUSE BILL NO. 2672
HOUSE BILL NO. 2677
HOUSE BILL NO. 2780
HOUSE BILL NO. 2797

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1102 AS AMENDED NO. 1
HOUSE BILL NO. 1262 AS AMENDED NO. 1
HOUSE BILL NO. 1377 AS AMENDED NO. 1
HOUSE BILL NO. 1445 AS AMENDED NO. 1
HOUSE BILL NO. 1795 AS AMENDED NO. 1
HOUSE BILL NO. 2041 AS AMENDED NO. 1
HOUSE BILL NO. 2498 AS AMENDED NO. 1 AND 2
HOUSE BILL NO. 2515 AS AMENDED NO. 1
HOUSE BILL NO. 2517 AS AMENDED NO. 1
HOUSE BILL NO. 2571 AS AMENDED NO. 1
HOUSE BILL NO. 2578 AS AMENDED NO. 1

HOUSE BILL NO. 2743 AS AMENDED NO. 1

HOUSE BILL NO. 2948 AS AMENDED NO. 1

HOUSE CONCURRENT RESOLUTION RETURNED
TO THE HOUSE AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1018

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 15

SENATE BILL NO. 52

SENATE BILL NO. 391

SENATE BILL NO. 403

SENATE BILL NO. 406

SENATE BILL NO. 407

SENATE BILL NO. 408

SENATE BILL NO. 432

SENATE BILL NO. 458

SENATE BILL NO. 470

SENATE BILL NO. 471

SENATE BILL NO. 506

SENATE BILL NO. 513

SENATE BILL NO. 518

SENATE BILL NO. 544

SENATE BILL NO. 546

SENATE BILL NO. 563

SENATE BILL NO. 564

SENATE BILL NO. 578

SENATE BILL NO. 683

SENATE BILL NO. 684

SENATE BILL NO. 685

SENATE BILL NO. 686

SENATE BILL NO. 687

SENATE BILL NO. 688

SENATE BILL NO. 689

SENATE BILL NO. 690
SENATE BILL NO. 691
SENATE BILL NO. 692
SENATE BILL NO. 714
SENATE BILL NO. 715
SENATE BILL NO. 716
SENATE BILL NO. 717
SENATE BILL NO. 737
SENATE BILL NO. 738
SENATE BILL NO. 739
SENATE BILL NO. 740
SENATE BILL NO. 741
SENATE BILL NO. 742
SENATE BILL NO. 743
SENATE BILL NO. 744
SENATE BILL NO. 745
SENATE BILL NO. 758
SENATE BILL NO. 759
SENATE BILL NO. 760
SENATE BILL NO. 761
SENATE BILL NO. 763
SENATE BILL NO. 795
SENATE BILL NO. 835
SENATE BILL NO. 837
SENATE BILL NO. 838
SENATE BILL NO. 839
SENATE BILL NO. 840
SENATE BILL NO. 841
SENATE BILL NO. 842
SENATE BILL NO. 843
SENATE BILL NO. 844
SENATE BILL NO. 845
SENATE BILL NO. 846
SENATE BILL NO. 847
SENATE BILL NO. 848
SENATE BILL NO. 849
SENATE BILL NO. 850
SENATE BILL NO. 851

SENATE BILL NO. 852
SENATE BILL NO. 853
SENATE BILL NO. 854
SENATE BILL NO. 856
SENATE BILL NO. 857
SENATE BILL NO. 860
SENATE BILL NO. 875
SENATE BILL NO. 881
SENATE BILL NO. 882
SENATE BILL NO. 890
SENATE BILL NO. 982
SENATE BILL NO. 1167

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED AS AMENDED

SENATE BILL NO. 392 AS AMENDED NO. 1
SENATE BILL NO. 941 AS AMENDED NO. 1
SENATE BILL NO. 1078 AS AMENDED NO. 1

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1187
HOUSE BILL NO. 1612
HOUSE BILL NO. 1785
HOUSE BILL NO. 2491
HOUSE BILL NO. 2598
HOUSE BILL NO. 2828
HOUSE BILL NO. 2833
HOUSE BILL NO. 2942

On motion of Senator Hill, the Senate adjourned until 1:30 p.m. Thursday, March 31, 2005.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE

