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

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Little Rock, Arkansas

March 6, 2003

The Senate was called to order at 11:00 o'clock a.m. by the President.

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

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

Leave requested for Senator Broadway.

The Senate was led in prayer by Dr. Stephen Davis, First Baptist Church of Russellville.

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

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

On motion of Senator Faris, **Senate Bill No. 108** was withdrawn from the Committee on JOINT RETIREMENT AND SOCIAL SECURITY, and placed back on second reading for purpose of amendment.

**ARKANSAS SENATE**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 108**

Amend **Senate Bill No. 108** as engrossed, 02/20/03:

Page 2, delete lines 1 through 3, and substitute the following:  
“under the system upon taking office.”

(C)(i) If the employee elects not to continue participation in the Arkansas Public Employees’ Retirement System and opts to participate in the local retirement plan as provided for under § 24-12-121 or § 24-12-123 instead, written notice of the election shall be presented to the Arkansas Public Employees’ Retirement System, in a form determined acceptable by the system, not later than ninety (90) calendar days after first assuming office.

(ii) The election under subdivision (a)(1)(C)(i) of this section is irrevocable.

(iii) Employer contributions made to the Arkansas Public Employees’ Retirement System on behalf of employees who elect not to continue participation will be refunded to the city without interest and the associated service credit in the system is forfeited.

(2) If a newly elected city attorney or city treasurer of a first class city is otherwise be covered under a local retirement fund, then the provisions of subdivisions (a)(1)(B) and (C) of this section also applies to those offices.”

AND

Page 2, line 4, delete “(2)” and substitute “~~(2)~~(3)”

AND

Page 2, line 9, delete “(3)” and substitute “~~(3)~~(4)”

(SIGNED) STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 108** was ordered engrossed.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

**SENATE BILL NO. 108**, 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

**Senate Bill No. 108** was ordered re-referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

**SENATE BILL NO. 416**, BY SENATOR GULLETT,

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) JOHN PAUL CAPPAS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 528, BY SENATOR T. SMITH,  
SENATE BILL NO. 532, BY SENATOR T. SMITH,  
SENATE BILL NO. 696, BY SENATOR T. SMITH,

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) PAUL MILLER, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

HOUSE BILL NO. 1453, BY REPRESENTATIVE NAPPER,  
HOUSE BILL NO. 1587, BY REPRESENTATIVE DICKINSON,  
HOUSE BILL NO. 1595, BY REPRESENTATIVE HAAK,  
HOUSE BILL NO. 1748, BY REPRESENTATIVE R. SMITH,

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) PAUL MILLER, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

HOUSE BILL NO. 1344, BY REPRESENTATIVE NAPPER,

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..

Respectfully submitted,

(SIGNED) PAUL MILLER, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 271, BY SENATOR FARIS,  
SENATE BILL NO. 316, BY SENATOR FARIS,  
SENATE BILL NO. 318, BY SENATOR FARIS,  
SENATE BILL NO. 404, BY SENATOR J. BOOKOUT,  
SENATE BILL NO. 651, BY SENATOR FARIS,  
SENATE BILL NO. 690, BY SENATOR MADISON,

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

Respectfully submitted,

(SIGNED) STEVE FARIS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 270, BY SENATOR FARIS,

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.

Respectfully submitted,

(SIGNED) STEVE FARIS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

HOUSE BILL NO. 1325, BY REPRESENTATIVE MAHONY,  
HOUSE BILL NO. 1460, BY REPRESENTATIVE WALTERS,  
HOUSE BILL NO. 1465, BY REPRESENTATIVE HAAK,

HOUSE BILL NO. 1494, BY REPRESENTATIVE MAHONY  
HOUSE BILL NO. 1545, BY REPRESENTATIVE WOOD,  
HOUSE BILL NO. 1656, BY REPRESENTATIVE PRITCHARD,

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) STEVE FARIS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 29, BY SENATOR J. JEFFRESS,  
SENATE BILL NO. 587, BY SENATOR MILLER,

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) IRMA H. BROWN, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

HOUSE BILL NO. 1385, BY REPRESENTATIVE HATHORN,

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.

Respectfully submitted,

(SIGNED) IRMA H. BROWN, CHAIRMAN

On motion of Senator Higginbothom, Senate Concurrent Resolution No. 15  
was called up for third reading.

SENATE CONCURRENT RESOLUTION NO. 15  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HIGGINBOTHOM, BROADWAY, ALTES, ET AL  
BY: REPRESENTATIVES BOLIN, PETRUS, JONES, ET AL

A Bill for an Act to be Entitled: RECOMMENDING THAT THE CONGRESS  
OF THE UNITED STATES AND THE ARKANSAS CONGRESSIONAL

DELEGATION REAUTHORIZE THE TEA-21 HIGHWAY AUTHORIZATION LAW AND FUND THE FEDERAL HIGHWAY PROGRAM AT THE HIGHEST LEVEL POSSIBLE.

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 15 was ordered immediately transmitted to the House.

On motion of Senator Critcher, Senate Bill No. 434 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 3 to SENATE BILL NO. 434

Amend Senate Bill No. 434 as originally introduced:

Page 1, line 24 delete "may" and substitute "shall"

(SIGNED) JACK CRITCHER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 434 was ordered engrossed.

On motion of Senator Johnson, **House Bill No. 1038** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1038**

Amend **House Bill No. 1038** as engrossed, H1/30/03:

Add Senators Altes, Faris, Glover and Higginbothom as co-sponsors of the bill

AND

Page 1, line 23, delete "property" and substitute "medical injury, property"

AND

Page 1, line 28, delete "judgment" and substitute "several judgment"

AND

Page 2, line 7, delete "within" and substitute "not later than"

AND

Page 2, line 7, delete "of" and substitute "prior to"

AND

Page 2, delete line 22, and substitute the following:  
"introduced as evidence of liability in any action.

SECTION 3. Increase in percentage of several share.

(a) Notwithstanding the provisions of Sections 1 and 2, in the event a several judgment has been entered against multiple party defendants, a plaintiff, no later than ten (10) days after the entry of judgment, may move the court to determine whether all or part of the amount of the several share for which a defendant is liable will not be reasonably collectible.

(b) If the court determines, based upon a preponderance of the evidence, that any defendant's several share or multiple defendants' several shares will not be reasonably collectible, the court shall increase the percentage points of the several shares, subject to the limitations in subsections (c) and (d) of this section, of each of the remaining defendants.

(c)(1) If a defendant's percentage of fault is determined by the fact finder to be ten percent (10%) or less, then the percentage points of that defendant's several share shall not be increased.

(2) If a defendant's percentage of fault is determined by the fact finder to be greater than ten percent (10%), but less than fifty percent (50%), then the percentage points of that defendant's several share shall be increased by no more than ten (10) percentage points.

(3) If a defendant's percentage of fault is determined by the fact finder to be fifty percent (50%) or greater, then the percentage points of that defendant's several share shall be increased by no more than twenty (20) percentage points.

(d) Under no circumstances shall the combined increase in the percentage points of the remaining defendants' several shares exceed the lesser of:

(1) A total of one hundred (100) percentage points; or

(2) The total number of percentage points remaining after deducting the percentage of fault of the plaintiff, if any.

(e) Any defendant whose several share has been increased pursuant to this section, and who has discharged his obligation to pay the increased several share, has a right of contribution from the defendants whose several shares were determined by the court to be not reasonably collectible.

(f) The provisions of this section shall not apply to any punitive damages award or judgment.

SECTION 4. Long Term Care Facility Medical Director.

The provisions of Section 3 shall not apply to a medical care provider who is named as a defendant in an action for personal injury, medical injury, or wrongful death based solely on his capacity as medical director of a long term care facility."

AND

appropriately renumber subsequent sections of the bill

AND

Page 2, line 30, delete "section 3" and substitute "section 5"

AND

Page 3, line 9, delete "negligence" and substitute "fault"

AND

Page 3, line 12, delete "negligence" and substitute "fault"

AND

Page 3, delete Section 7. and Section 8. of the bill and substitute the following new sections:

"SECTION 9. Standards for award of punitive damages.

In order to recover punitive damages from the defendant, the plaintiff has the burden of proving that the defendant is liable for compensatory damages and that either or both of the following aggravating factors were present and related to the injury for which compensatory damages were awarded:

(1) That the defendant knew or ought to have known, in light of the surrounding circumstances, that his or her conduct would naturally and probably result in injury or damage and that he or she continued the conduct with malice or in reckless disregard of the consequences from which malice may be inferred; and

(2) That the defendant intentionally pursued a course of conduct for the purpose of causing injury or damage.

SECTION 10. Burden of proof for award of punitive damages.

The plaintiff must satisfy the burden of proof required under Section 9 of this act by clear and convincing evidence in order to recover punitive damages from the defendant.

SECTION 11. Limitations on the amount of punitive damages.

(a) Except as provided in subsection (b) of this section, a punitive damages award shall not be more than the greater of the following:

(1) Two hundred fifty thousand dollars (\$250,000); or  
(2) Three (3) times the amount of compensatory damages awarded in the action not to exceed one million dollars (\$1,000,000).

(b) When the fact finder determines by clear and convincing evidence that, at the time of the injury, the defendant intentionally pursued a course of conduct for the purpose of causing injury or damage and determines that the defendant's conduct did, in fact, harm the plaintiff, then subsection (a) of this section shall not apply.

(c) As to the punitive damages limitations established in subsection (a) of this section, the fixed sums of two hundred fifty thousand dollars (\$250,000) set forth in subsection (a)(1) and one million dollars (\$1,000,000) set forth in subsection (a)(2) shall be adjusted as of January 1, 2006, and at three-year intervals thereafter, in accordance with the Consumer Price Index rate for the previous year as determined by the Administrative Office of the Courts.

SECTION 12. No right to punitive damages.

Nothing in this act shall be construed as creating a right to an award of punitive damages.

SECTION 13. No limitation on certain judicial duties.

Nothing in this act shall limit the duty of the court, or the appellate courts, to:

- (1) Scrutinize all punitive damages awards;
- (2) Ensure that all punitive damage awards comply with applicable procedural, evidentiary, and constitutional requirements; and
- (3) Order remittitur where appropriate.

SECTION 14. Bifurcated proceeding.

(a) In any case in which punitive damages are sought, any party may request a bifurcated proceeding at least ten (10) days prior to trial. If a bifurcated proceeding has been requested by either party, then:

(1) The fact finder first shall determine whether compensatory damages are to be awarded; and

(2) After a compensatory damages award determination, the fact finder then shall determine whether and in what amount punitive damages will be awarded.

(b) Evidence of the financial condition of the defendant and other evidence relevant only to punitive damages is not admissible with regard to any compensatory damages determination."

AND

Appropriately renumber the subsequent sections of the bill

AND

Page 4, delete lines 19 through 22 and substitute the following:

"(b) Any evidence of damages for the costs of any necessary medical care, treatment, or services received shall include only those costs actually paid by, or on behalf of, the plaintiff or which remain unpaid and for which the plaintiff or any third party shall be legally responsible."

AND

Page 4, delete lines 31 and 32 and substitute the following:

"(2)(A) The county in which an individual defendant resided;"

AND

Page 4, delete line 36, and Page 5, delete line 1, and substitute the following:

“(3)(A) The county in which the plaintiff resided.”

AND

Page 6, delete lines 22 through 34 and substitute the following:

(a) In any action for medical injury, when the asserted negligence does not lie within the jury’s comprehension as a matter of common knowledge, the plaintiff shall have the burden of proving:

(1) ~~The~~ By means of expert testimony provided only by a medical care provider of the same specialty as the defendant, the degree of skill and learning ordinarily possessed and used by members of the profession of the medical care provider in good standing, engaged in the same type of practice or specialty in the locality in which he practices or in a similar locality;

(2) ~~That~~ By means of expert testimony provided only by a medical care provider of the same specialty as the defendant that the medical care provider failed to act in accordance with that standard; and

(3) ~~That~~ By means of expert testimony provided only by a qualified medical expert that, as a proximate result thereof, the injured person suffered injuries which would not otherwise have occurred.”

AND

Page 7, delete lines 7 through 10 and substitute the following:

“(B) Any evidence of damages for the cost of any necessary medical care, treatment, or services received shall include only those costs actually paid by or on behalf of the plaintiff or which remain unpaid and for which the plaintiff or any third party shall be legally responsible.”

AND

Page 7, delete line 21 and substitute the following:

“than by lump sum payment, on such terms and conditions as the court deems just and equitable in order to protect the plaintiff’s rights to future payments.”

AND

Page 7, delete lines 25 through 36, and page 8, delete lines 1 through 8 and substitute the following:

~~“(a) If in any action for medical injury, claims, defenses, or denials are intentionally made without reasonable cause and found to be untrue, the party pleading them shall thereafter be subject to the payment of reasonable costs actually incurred by the other party by reason of the untrue pleading. If any action for medical injury is filed without reasonable cause, the party or attorney who signed the complaint shall thereafter be subject to the payment of reasonable costs, including attorneys fees, incurred by the other party by reason of the pleading and appropriate sanctions as determined by the court.~~

(b)(1) In all cases where expert testimony is required under § 16-114-206, reasonable cause for filing any action for medical injury due to negligence shall only be established by the filing of an affidavit that shall be signed by an expert engaged in the same type of medical care as is each medical care provider defendant.

(2) The affidavit shall be executed under oath and shall state with particularity:

(A) The expert’s familiarity with the applicable standard of care in issue;

(B) The expert's qualifications;  
(C) The expert's opinion as to how the applicable standard of care has been breached; and  
(D) The expert's opinion as to how the breach of the applicable standard of care resulted in injury or death.  
(3) The plaintiff shall have thirty (30) days after the complaint is filed with the clerk to file the affidavit before the provisions of subsection (a) apply. If the affidavit is not filed within thirty (30) days after the complaint is filed with the clerk, the complaint shall be dismissed by the court."

AND

Page 8, line 23, delete "which" and substitute "which are not otherwise privileged and which"

AND

Page 8, line 24, delete "directly"

AND

Page 8, delete line 25, and substitute the following:  
"plaintiff's injury to be admissible at trial.

16-114-212. Tolling of the statute of limitations.

(a) If, within thirty (30) days prior to the expiration of the applicable statute of limitations, a plaintiff serves written notice of intention to file an action for medical injury, the statute of limitations shall be tolled for ninety (90) days only if the following conditions are met:

(1) The written notice shall be served by certified mail, return receipt requested, upon the medical care provider alleged to have cause the medical injury;

(2) The written notice shall include the following:

(A) The claimant's full name, date of birth, present address and address at time of treatment at issue, and social security number;

(B) The date(s) of the treatment in question and a summary of the alleged wrongful conduct; and

(C) The names and addresses of the known medical care providers relating to the alleged injury; and

(3) An authorization to release medical records signed by the plaintiff, which shall authorize the medical care provider alleged to be liable to obtain pertinent medical records, shall be attached to the notice.

(b) Failure to comply with any of the requirements set forth in subsection (a) shall be deemed to be material and shall result in the statute of limitations not being tolled.

(c) If the plaintiff files an action for medical injury during this tolling period without the requisite affidavit required by § 16-114-209(b)(1) and (2), the complaint shall be dismissed and costs, attorney fees, and appropriate sanctions as determined by the court shall be assessed. The provisions of § 16-114-209 (b)(3) do not apply to cases filed during the tolling period.

(d) If a request for the production of copies of the medical records accompanies the written notice of intention to file an action for medical injury in accordance with subsection (a), and if copies of those medical records are not provided within thirty (30) days of receipt of the notice, then the claimant may file an independent expedited declaratory action seeking a declaration that the medical care provider failed to produce the medical records within the thirty-day period. If the court finds that copies of the medical records were not produced as required by this subsection, the statute of limitations shall be tolled for a period of seventy-five

(75) days from the date of the production of the copies of the medical records. If the court finds that the failure to produce copies of the requested medical records is without good cause, the court shall award the claimant his reasonable costs and attorney fees for the declaratory judgment action."

AND

Page 8, delete lines 27 and 28 and substitute the following:

"SECTION 23. Attorney General.

No provision of this Act shall apply to, or alter existing law with respect to any claim, charge, action, or suit brought or prosecuted by the Attorney General.

SECTION 24. Coroner or Medical Examiner.

Nothing in this act shall be construed to diminish or enlarge the powers or duties of a coroner or medical examiner."

AND

appropriately renumber subsequent sections of the bill

AND

Page 9, line 5, add a new section of the bill to read as follows:

SECTION 26. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that in this state, existing conditions, such as the application of joint and several liability regardless of the percentage of fault, are adversely impacting the availability and affordability of medical liability insurance; that those existing conditions recently have caused several medical liability carriers to stop offering coverage in the state and have caused some medical care providers to curtail or end their practices; that the decreasing availability and affordability of medical liability insurance is adversely affecting the accessibility and affordability of medical care and of health insurance coverage in this state; that long term care facilities are having great difficulty hiring qualified medical directors because physicians could be held liable for an entire judgment even if they are found to be minimally at fault; and that there is a need to improve access to the courts for deserving claimants; and that this act is immediately necessary in order to remedy these conditions and improve access to health care in this state. 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:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

(SIGNED) LUKER, SALMON, HENDREN, B. JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Johnson, the rules were suspended in considering **Amendment No. 2 on House Bill No. 1038** at this time.

On motion of Senator Johnson, **House Bill No. 1038** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 2 to HOUSE BILL NO. 1038**

Amend **House Bill No. 1038** as engrossed, H1/30/03:  
In the new Section 9 of the bill, in subdivision (1), after "inferred," delete "and"

(SIGNED) B. JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Motion was made by Senator Johnson to suspend rules to place **House Bill No. 1038** on calendar for Monday March 10, 2003.

**House Bill No. 1038** was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 54** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 54**

Amend **Senate Bill No. 54** as originally introduced:  
Add Representative Penix as a cosponsor of the bill

(SIGNED) KEVIN PENIX

**Amendment No. 1 to Senate Bill No. 54**, 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. 54** was ordered engrossed.

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

On motion of Senator Altes, **Senate Bill No. 54** was called up for third reading and final disposition.

**SENATE BILL NO. 54**  
*As Engrossed: H2/13/03*  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR ALTES**  
**BY: REPRESENTATIVE PENIX**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO NOTIFY CITIES AND COUNTIES WHEN IT AUDITS AND ASSESSES ADDITIONAL MIXED DRINK TAXES AGAINST A TAXPAYER OR PRIVATE CLUB; AND FOR OTHER PURPOSES.

**Senate Bill No. 54** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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. 54** was returned from the House as passed and ordered enrolled.

On motion of Senator Altes, **Senate Bill No. 55** was placed back on second reading for purpose of amendment.

On motion of Senator Altes, **Senate Bill No. 55** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 55**

Amend **Senate Bill No. 55** as originally introduced:  
Add Representative Penix as a cosponsor of the bill

(SIGNED) KEVIN PENIX

**Amendment No. 1 to Senate Bill No. 55**, 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 Altes, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Altes, **Senate Bill No. 55** was called up for third reading and final disposition.

**SENATE BILL NO. 55**  
*As Engrossed: H2/13/03*  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR ALTES**  
**BY: REPRESENTATIVE PENIX**

A Bill for an Act to be Entitled: AN ACT TO ADOPT CURRENT INTERNAL REVENUE CODE PROVISIONS FOR DEDUCTIONS FOR CONTRIBUTIONS TO MEDICAL SAVINGS ACCOUNTS; AND FOR OTHER PURPOSES.

**Senate Bill No. 55** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....	34
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Broadway on leave.	
Total .....	1
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	34
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. 55** was returned from the House as passed and ordered enrolled.

On motion of Senator Wooldridge, the rules were suspended in considering **House Bill No. 1343** at this time.

On motion of Senator Wooldridge, **House Bill No. 1343** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1343**

Amend **House Bill No. 1343** as originally introduced by:

Page 5, delete lines 2, 3, 4, and 5, and substitute the following:

~~“(A) Provide to the proposed eligible employee a written notice as required in subsection (b) to this section; and, after the employer has selected its health benefit plan, provide to each eligible employee of the employer a written notice, in a form and manner as prescribed by rule or regulation promulgated by the commissioner, that one (1) or more of the mandated benefits are not included in the health benefit plan.”~~

(SIGNED) TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

Motion was made by Senator Wooldridge to place **House Bill No. 1343** on calendar for Monday, March 10, 2003. Motion carried.

**House Bill No. 1343** was ordered engrossed.

On motion of Senator Wooldridge the Senate rescinded its previous action in the adoption of **Amendment No. 1 to House Bill No. 1343**.

The President declared the morning hour to have expired.

Senate Bill No. 264 was returned from the House as passed as amended.

Senate Bill No. 264 was ordered re-referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

On motion of Senator Faris, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing a group from Joe T. Robinson Elementary School, "The Singing Senators".

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

On motion of Senator Baker, Senate Bill No. 407 was called up for third reading and final disposition.

SENATE BILL NO. 407

As Engrossed: S2/27/03 S3/4/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS BAKER, WILKINSON, J. JEFFRESS

BY: REPRESENTATIVES MACK, J. TAYLOR, OGLESBY, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE AVAILABILITY OF AFFORDABLE HOUSING WITHIN THE MUNICIPALITIES OF ARKANSAS; AND FOR OTHER PURPOSES.

Senate Bill No. 407 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Madison, Malone, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....28

NEGATIVE: Altes, Glover, Miller.	
Total .....	3
ABSENT OR NOT VOTING: Argue, Lavery, Luker. Broadway on leave.	
Total .....	4
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	31
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. 407** was ordered immediately transmitted to the House as passed.

On motion of Senator Luker, **Senate Bill No. 303** was called up for third reading and final disposition.

**SENATE BILL NO. 303  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION**

**BY: SENATORS LUKER, WILKINSON**

**BY: REPRESENTATIVES LAMOUREUX, BOND, HATHORN**

A Bill for an Act to be Entitled: ARKANSAS DISCLAIMER OF PROPERTY INTERESTS ACT.

**Senate Bill No. 303** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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. 303** was ordered immediately transmitted to the House as passed.

On motion of Senator Hendren, **Senate Bill No. 399** was called up for third reading and final disposition.

**SENATE BILL NO. 399  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HENDREN**

A Bill for an Act to be Entitled: AN ACT TO ALLOW ONLY THOSE VEHICLES LOADING OR UNLOADING A WHEELCHAIR TO PARK IN THOSE PARKING SPACES RESERVED EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND DESIGNATED "VAN ACCESSIBLE"; AND FOR OTHER PURPOSES.

**Senate Bill No. 399** 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, J. Bookout, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total .....27

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Argue, Brown, Bryles, Gullett, J. Jeffress, B. Johnson, Wilkins. Broadway on leave.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....27

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. 399** was ordered immediately transmitted to the House as passed.

On motion of Senator Baker, **Senate Bill No. 347** was called up for third reading and final disposition.

**SENATE BILL NO. 347**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR BAKER**

A Bill for an Act to be Entitled: AN ACT TO ELIMINATE THE ANHYDROUS AMMONIA DEALER REPRESENTATIVE FROM THE BOILER ADVISORY BOARD; AND FOR OTHER PURPOSES.

**Senate Bill No. 347** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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

On motion of Senator Hill, Senate Bill No. 159 was called up for third reading and final disposition.

SENATE BILL NO. 159

As Engrossed: S2/6/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS HILL, MILLER

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 26-26-1120 TO CLARIFY THE DEFINITION OF A DISABLED PERSON; AND FOR OTHER PURPOSES.

Senate Bill No. 159 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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. 159** was ordered immediately transmitted to the House as passed.

On motion of Senator Wooldridge, **Senate Bill No. 344** was called up for third reading and final disposition.

**SENATE BILL NO. 344**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS WOOLDRIDGE, MILLER, GLOVER**

A Bill for an Act to be Entitled: AN ACT TO DELETE THE REQUIREMENT THAT LOCAL GOVERNMENTS FILE A MAP WITH THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHOWING RECENTLY ANNEXED AREAS FOR PURPOSES OF LOCAL SALES TAX COLLECTIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 344** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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. 344** was ordered immediately transmitted to the House as passed.

On motion of Senator Steele, **Senate Bill No. 452** was called up for third reading and final disposition.

**SENATE BILL NO. 452**

**EIGHTY-FOURTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: SENATORS STEELE, B. JOHNSON, SALMON, ET AL**

**BY: REPRESENTSTIVES FITE, C. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE SCHOOL DISTRICTS TO DEVELOP A PLAN TO PROVIDE FOR THE SAFETY OF STUDENTS AND EMPLOYEES IN THE EVENT OF A TERRORIST ATTACK OR WAR; AND FOR OTHER PURPOSES.

**Senate Bill No. 452** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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. 452** was ordered immediately transmitted to the House as passed.

On motion of Senator Altes, **Senate Bill No. 386** was called up for third reading and final disposition.

**SENATE BILL NO. 386**

*As Engrossed: S3/3/03*

**EIGHTY-FOURTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: SENATOR ALTES**

***BY: REPRESENTATIVES MEDLEY, ROSENBAUM***

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT DRIVER'S LICENSES AND IDENTIFICATION CARDS SHALL EXPIRE WHEN THE APPLICANT'S LEGAL PRESENCE HAS ENDED; TO REGULATE THE USE OF SOCIAL SECURITY CARDS WHEN APPLYING FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD; AND FOR OTHER PURPOSES.

**Senate Bill No. 386** 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, Bryles, Capps, Faris, Glover, Hendren, Higginbothom, Holt, Horn, J. Jeffress, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkinson, Womack, Wooldridge.

Total .....24

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Argue, J. Bookout, Brown, Critcher, Gullett, Hill, G. Jeffress, B. Johnson, Lavery, Wilkins. Broadway on leave.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast.....24

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

On motion of Senator Malone, Senate Bill No. 443 was called up for third reading and final disposition.

SENATE BILL NO. 443  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO INCREASE FEES FOR PERMITTING BOILERS, AND THE LICENSING AND EXAMINATION OF BOILER OPERATORS; AND FOR OTHER PURPOSES.

Senate Bill No. 443 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....33

NEGATIVE: Holt.

Total .....1

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

Necessary to the passage of the bill .....18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 443**, 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....33

NEGATIVE: Holt.  
 Total ..... 1  
 ABSENT OR NOT VOTING: Broadway on leave.  
 Total ..... 1  
 VOTING PRESENT:  
 Total ..... 0  
 Total number of votes cast ..... 34  
 Necessary to the adoption of the Emergency Clause ..... 24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 443 was ordered immediately transmitted to the House.

ARKANSAS SENATE  
 EIGHTY-FOURTH GENERAL ASSEMBLY  
 REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 379, 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.

Respectfully submitted,

(SIGNED) DAVID BISBEE

On motion of Senator Bisbee, Senate Bill No. 379 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 379

JBC 03/01/03 (error correction)

Amend **Senate Bill No. 379** as originally introduced:

Immediately following SECTION 27, add an additional section to read as follows:

"SECTION 28. SPECIAL LANGUAGE. Arkansas Code 2-36-305 is hereby amended to read as follows:

- (a) A junior livestock show is authorized for each of the ~~five (5)~~ six (6) livestock show districts of the state.
- (b) Any organization desiring to establish a district junior livestock show shall make application and submit proposed organizational and operational plans therefore to the Arkansas Livestock and Poultry Commission.
- (c) The Arkansas Livestock and Poultry Commission is authorized to approve only one (1) district junior livestock show in each of the ~~five (5)~~ six (6) livestock show districts.
- (d) Funds appropriated to the Arkansas Livestock and Poultry Commission for district junior livestock shows shall be distributed equally to all district junior livestock shows."

AND

Appropriately renumber the sections of the bill.

(SIGNED) DAVID A. BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Bisbee, **Senate Bill No. 379** was placed back on second reading for purpose of amendment.

**ARKANSAS SENATE**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 379**

JBC 03/05/03 (7.m.)

Amend **Senate Bill No. 379** as originally introduced:

Delete SECTION 3 in its entirety and substitute the following:

"SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby appropriated, to the Arkansas Livestock and Poultry Commission, to be payable from the Livestock and Poultry Fund Account, for personal services and operating expenses of the Arkansas Livestock and Poultry Commission - General Operations for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 2,844,679	2,921,486
(02) EXTRA HELP	52,231	52,231
(03) PERSONAL SERV MATCH	736,285	749,902
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	295,213	295,213
(B) CONF. & TRAVEL	5,967	5,967
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) BUFFALO GNAT CONTROL PROGRAM	8,000	8,000
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,942,376</u>	<u>\$4,032,799"</u>

(SIGNED) DAVID A. BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Bisbee, **Senate Bill No. 379** was called up for third reading and final disposition.

**SENATE BILL NO. 379  
EIGHTY-FOURTH 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 LIVESTOCK AND POULTRY COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

**Senate Bill No. 379** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 379**, 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 379** was ordered engrossed.

On motion of Senator Bisbee, the rules were suspended in considering Senate Bill No. 204 at this time.

On motion of Senator Bisbee, Senate Bill No. 204 was called up for third reading and final disposition.

SENATE BILL NO. 204  
As Engrossed: S2/12/03  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE MEDICAL BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

Senate Bill No. 204 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....	34
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Broadway on leave.	
Total .....	1
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	34
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 204**, 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 204** was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **Senate Bill No. 224** at this time.

On motion of Senator Bisbee, **Senate Bill No. 224** was called up for third reading and final disposition.

**SENATE BILL NO. 224**  
**EIGHTY-FOURTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE BOARD OF DENTAL EXAMINERS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

**Senate Bill No. 224** 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 224**, 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, Argue, Baker, Bisbee, J. Bookout, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Trusty, Whitaker, Wilkins, Wilkinson, Womack, Wooldridge.

Total .....34

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Broadway on leave.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast.....34

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 224** was ordered immediately transmitted to the House.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

HOUSE BILL NO. 1343, BY REPRESENTATIVE NAPPER,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 434, BY SENATOR CRITCHER,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

- SENATE BILL NO. 52, BY SENATORS ALTES AND WILKINSON  
AND REPRESENTATIVES MEDLEY, ET AL,  
SENATE BILL NO. 56, BY SENATORS ALTES AND WILKINSON  
AND REPRESENTATIVES MEDLEY, ET AL,  
SENATE BILL NO. 119, BY SENATOR ALTES  
SENATE BILL NO. 146, BY SENATOR GLOVER AND  
REPRESENTATIVE L. EVANS  
SENATE BILL NO. 192, BY SENATORS ALTES, WHITAKER AND  
WILKINSON AND REPRESENTATIVES  
PENIX, ET AL  
SENATE BILL NO. 352, BY SENATOR GLOVER  
SENATE BILL NO. 359, BY SENATOR HILL  
SENATE BILL NO. 362, BY SENATOR BOOKOUT AND  
BY REPRESENTATIVE BOOKOUT  
SENATE BILL NO. 371, BY SENATOR HILL  
SENATE BILL NO. 377, BY SENATOR FARIS, ET AL  
SENATE BILL NO. 381, BY SENATOR HILL  
SENATE BILL NO. 382, BY SENATOR HILL  
SENATE BILL NO. 393, BY SENATOR BOOKOUT AND  
REPRESENTATIVES THYER AND  
BOOKOUT  
SENATE BILL NO. 394, BY SENATOR BOOKOUT  
SENATE BILL NO. 425, BY SENATOR WOMACK AND  
REPRESENTATIVE KEY  
SENATE BILL NO. 426, BY SENATOR WOMACK  
SENATE BILL NO. 427, BY SENATOR WOMACK AND  
REPRESENTATIVE KEY, ET AL  
SENATE BILL NO. 428, BY SENATOR WOMACK AND  
REPRESENTATIVE KEY, ET AL

SENATE BILL NO. 438, BY SENATOR CRITCHER AND  
REPRESENTATIVE DICKINSON

SENATE BILL NO. 440, BY SENATOR J. JEFFRESS

SENATE BILL NO. 441, BY SENATOR FARIS

SENATE BILL NO. 445, BY SENATOR HILL AND  
REPRESENTATIVE THOMASON

SENATE BILL NO. 447, BY SENATOR HILL AND  
REPRESENTATIVE OGLESBY

SENATE BILL NO. 449, BY SENATOR J. JEFFRESS AND  
REPRESENTATIVE RANKIN

SENATE BILL NO. 472, BY SENATOR HILL AND  
REPRESENTATIVE SULLIVAN

SENATE BILL NO. 486, BY SENATOR J. JEFFRESS AND  
G.JEFFRESS AND REPRESENTATIVES  
DEES AND MAHONY

SENATE BILL NO. 488, BY SENATOR BOOKOUT AND  
REPRESENTATIVES BOOKOUT AND  
THYER

SENATE BILL NO. 489, BY SENATOR FARIS

SENATE BILL NO. 491, BY SENATOR FARIS

SENATE BILL NO. 492, BY SENATOR FARIS

SENATE BILL NO. 564, BY SENATORS ALTES AND WILKINSON  
AND REPRESENTATIVES VERKAMP,  
ET AL

SENATE BILL NO. 573, BY SENATOR WOMACK

SENATE BILL NO. 602, BY SENATOR BOOKOUT AND  
REPRESENTATIVES BOOKOUT AND  
THYER

SENATE BILL NO. 612, BY SENATOR WOMACK

SENATE BILL NO. 670, BY SENATOR WOMACK AND  
REPRESENTATIVE NORTON

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) DAVID A. BISBEE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 5, 2003

Mr. President:

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

SENATE BILL NO. 63, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 613, BY SENATOR WOMACK,

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.

Respectfully submitted,

(SIGNED) DAVID A. BISBEE

SENATE RESOLUTION NO. 8  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WOOLDRIDGE

SENATE RESOLUTION REQUESTING THAT THE ARKANSAS SUPREME COURT STUDY IMPLEMENTING RULES 413, 414 AND 415 OF THE FEDERAL RULES OF EVIDENCE.

Senate Resolution No. 8 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE RESOLUTION NO. 9  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS WOMACK, ALTES, BAKER, ET AL

SENATE RESOLUTION REQUESTING THAT THE UNITED STATES SENATORS OF THE STATE OF ARKANSAS SUPPORT THE FLOOR VOTE AND NOMINATION OF JUDICIAL NOMINEE MIGUEL ESTRADA.

**Senate Resolution No. 9** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE CONCURRENT RESOLUTION NO. 22  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR ARGUE

SENATE CONCURRENT RESOLUTION TO SUPPORT THE ARKANSAS COMMITTED TO EDUCATION FOUNDATION.

**Senate Concurrent Resolution No. 22** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 714  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE ALL CITY AND COUNTY GOVERNMENTS TO LEVY AN ADDITIONAL FINE UP TO FIVE DOLLARS (\$5.00) TO HELP DEFRAY THE EXPENSE OF INCARCERATION OF PRISONERS IN CITY AND COUNTY JAILS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 714** was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 715  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR ARGUE

A Bill for an Act to be Entitled: AN ACT TO MODIFY THE RATE OF THE SEVERANCE TAX ON NATURAL GAS; AND FOR OTHER PURPOSES.

**Senate Bill No. 715** was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 716  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE BOARD; AND FOR OTHER PURPOSES.

**Senate Bill No. 716** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 717  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO CREATE AN INFORMAL DISPUTE RESOLUTION PROCESS FOR LONG-TERM CARE FACILITIES; AND FOR OTHER PURPOSES.

**Senate Bill No. 717** was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 718  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WOOLDRIDGE  
BY: REPRESENTATIVE BIGGS

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 19-5-1005 PERTAINING TO THE PURPOSES FOR WHICH THE GENERAL IMPROVEMENT FUND SHALL BE USED; AND FOR OTHER PURPOSES.

**Senate Bill No. 718** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 719  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. BOOKOUT  
BY: REPRESENTATIVE P. BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS POLICE CORPS COMMISSION; AND FOR OTHER PURPOSES.

**Senate Bill No. 719** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 720  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS J. BOOKOUT, CAPPS, GLOVER

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PRISON  
OVERCROWDING EMERGENCY POWERS ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 720 was read the first time, rules suspended, read the second  
time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL  
AFFAIRS.

SENATE BILL NO. 721  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MILLER

A Bill for an Act to DISTRIBUTE THE INTEREST EARNED ON THE PROPERTY  
TAX RELIEF TRUST FUND TO THE COUNTIES; AND FOR OTHER PURPOSES.

Senate Bill No. 721 was read the first time, rules suspended, read the second  
time and referred to the Committee on REVENUE AND TAXATION.

SENATE BILL NO. 722  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS SECTIONS OF THE PHARMACY ACT, § 17-92-101 THROUGH 17-92-1007; TO ESTABLISH A REGULATORY PROCESS TO RECOGNIZE PHARMACISTS WHO HAVE BEEN LICENSED FOR 50 YEARS; TO PROVIDE COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA); TO ALLOW CRIMINAL BACKGROUND CHECKS ON INDIVIDUALS LICENSED OR PERMITTED BY THE ARKANSAS STATE BOARD OF PHARMACY; AND FOR OTHER PURPOSES.

**Senate Bill No. 722** was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 723  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MILLER

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 12-10-303 PERTAINING TO THE DEFINITION OF TARIFF RATE FOR PURPOSES OF THE ARKANSAS PUBLIC SAFETY COMMUNICATIONS ACT; AND FOR OTHER PURPOSES.

**Senate Bill No. 723** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 724  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE MUNICIPALITIES AND SANITATION AUTHORITIES TO ENTER INTO DESIGN-BUILD-OPERATE CONTRACTS; AND FOR OTHER PURPOSES.

**Senate Bill No. 724** was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 725  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINSON

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE DATE FOR COMMISSIONING PERSONS ELECTED IN A NONPARTISAN JUDICIAL ELECTION; AND FOR OTHER PURPOSES.

**Senate Bill No. 725** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 726  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO INCREASE TEACHER SALARIES TO A MAXIMUM STATE LEVEL TO ENSURE THAT TEACHERS ARE PAID A SUBSTANTIALLY EQUAL SALARY THROUGHOUT THE STATE FOR THE TEACHER'S YEARS OF EXPERIENCE AND DEGREE LEVEL; AND FOR OTHER PURPOSES.

**Senate Bill No. 726** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 727  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO PERMIT COMMITTEES OF THE GENERAL ASSEMBLY THAT ARE AUTHORIZED TO MEET DURING THE INTERIM BETWEEN SESSIONS TO MEET DURING A RECESS OF THE GENERAL ASSEMBLY OF TWO WEEKS OR MORE IN DURATION, AND TO AUTHORIZE MEMBERS OF THE GENERAL ASSEMBLY TO ATTEND NATIONAL AND REGIONAL CONFERENCES DURING THE RECESS; AND FOR OTHER PURPOSES.

**Senate Bill No. 727** was read the first time, rules suspended, read the second time and referred to the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

SENATE BILL NO. 728  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR CAPPS

A Bill for an Act to be Entitled: AN ACT TO REVISE VARIOUS PROVISIONS OF THE ARKANSAS MOTOR VEHICLE COMMISSION ACT FOR ENFORCEMENT, WARRANTY AGREEMENTS, AND UNLAWFUL ACTIVITIES FOR MANUFACTURERS; AND FOR OTHER PURPOSES.

**Senate Bill No. 728** was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

SENATE BILL NO. 730  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: AN ACT TO REVISE CERTAIN PROVISIONS CONCERNING NONPARTISAN ELECTIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 730** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 729  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PHYSICIANS WHO USE ULTRASOUND EQUIPMENT IN THE PERFORMANCE OF ABORTIONS TO INFORM THE WOMAN THAT SHE HAS A RIGHT TO VIEW THE ULTRASOUND IMAGE; AND FOR OTHER PURPOSES.

**Senate Bill No. 729** was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 731  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS WILKINSON, SALMON, TRUSTY, ET AL

A Bill for an Act to be Entitled: THE ARKANSAS SOLDIERS' AND AIRMEN'S CIVIL RELIEF ACT.

**Senate Bill No. 731** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 732  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS WILKINSON, SALMON, TRUSTY, ET AL

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 12-63-202 TO PROVIDE THAT POLICE OFFICERS OF THE ARKANSAS MILITARY DEPARTMENT MAY ACT AS LAW ENFORCEMENT OFFICERS ON FEDERAL OR STATE PROPERTY LOCATED ADJOINING A MILITARY RESERVATION; AND FOR OTHER PURPOSES.

Senate Bill No. 732 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 733  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO REVISE THE MOTOR VEHICLE DOCUMENTARY FEES; AND FOR OTHER PURPOSES.

Senate Bill No. 733 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

SENATE BILL NO. 734  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DEFINITIONS OF COMMODITIES AND SERVICES FOR ETHICS IN PUBLIC CONTRACTING; AND FOR OTHER PURPOSES.

Senate Bill No. 734 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES.

SENATE BILL NO. 735  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR T. SMITH  
BY: REPRESENTATIVE NAPPER

AN ACT TO AMEND CERTAIN PROVISIONS OF THE ARKANSAS STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 735 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 736  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR CRITCHER

A Bill for an Act to be Entitled: AN ACT TO ALLOW THE EARNING OF GOOD TIME FOR NOT ABUSING SICK CALL; AND FOR OTHER PURPOSES.

Senate Bill No. 736 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 737  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS CRITCHER, WILKINSON

A Bill for an Act to be Entitled: AN ACT TO MAKE CERTAIN DRUG OFFENDERS UNDER THE SEVENTY PERCENT RULE ELIGIBLE FOR GOOD TIME; AND FOR OTHER PURPOSES.

Senate Bill No. 737 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 738  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DEFINITION OF ELIGIBLE OFFENDER AS USED IN THE LAW CONCERNING COMMUNITY PUNISHMENT; AND FOR OTHER PURPOSES.

**Senate Bill No. 738** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 739  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE ALL MEDICAL INSTITUTIONS AND FACILITIES TO PROVIDE PATIENTS AND INSURANCE COMPANIES WITH ITEMIZED BILLING FOR ALL SERVICES, DRUGS, AND SUPPLIES; AND FOR OTHER PURPOSES.

**Senate Bill No. 739** was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 740  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE SAFE HAVEN ACT TO INCLUDE FIRE DEPARTMENTS AND CHURCHES; AND FOR OTHER PURPOSES.

Senate Bill No. 740 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 741  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO ELIMINATE RUNOFF ELECTIONS FOR MUNICIPAL OFFICES; AND FOR OTHER PURPOSES.

Senate Bill No. 741 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 742  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS FREEDOM OF INFORMATION ACT OF 1967 TO DENY ACCESS TO PUBLIC RECORDS TO ANY FELON WHO IS CURRENTLY INCARCERATED IN A CORRECTIONAL FACILITY; TO ALLOW ACCESS TO PUBLIC RECORDS TO A FELON'S ATTORNEY; AND FOR OTHER PURPOSES.

**Senate Bill No. 742** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 743  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS MADISON, WOMACK, LUKER  
BY: REPRESENTATIVE C. TAYLOR

A Bill for an Act to be Entitled: AN ACT TO ENHANCE OUR CITIZENS' ACCESS TO COURTS TO ADDRESS ILLEGAL EXACTION BY THE GOVERNMENT AND TO HELP ASSURE THE PROPER USE OF PUBLIC RESOURCES; AND FOR OTHER PURPOSES.

**Senate Bill No. 743** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 744  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HORN

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE FUNDING NECESSARY TO CONSTRUCT AND EQUIP A MODERN PUBLIC HEALTH LABORATORY; AND FOR OTHER PURPOSES.

Senate Bill No. 744 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 745  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR FARIS

A Bill for an Act to be Entitled: AN ACT TO CREATE A HELP AMERICA VOTE ACT ELECTION FUND; AND FOR OTHER PURPOSES.

Senate Bill No. 745 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 746  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINS  
BY: REPRESENTATIVE ROEBUCK

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS TO ARKANSAS CODE § 6-24-116; AND FOR OTHER PURPOSES.

**Senate Bill No. 746** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 747  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO CREATE THE PUBLIC SCHOOL EMPLOYMENT RELATIONS BOARD; AND FOR OTHER PURPOSES.

**Senate Bill No. 747** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 748  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MADISON

A Bill for an Act to be Entitled: AN ACT TO EXEMPT NONPROFIT ORGANIZATIONS FROM THE PROVISIONS IN ARKANSAS CODE § 3-9-236(a)(15), IF NO PRIZES, MONEY, OR ANYTHING OF VALUE IS AWARDED TO THE PERSONS PARTICIPATING IN THE CHARITABLE EVENT; AND FOR OTHER PURPOSES.

**Senate Bill No. 748** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 749  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS SALMON, WILKINSON, TRUSTY, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT THE ADJUTANT GENERAL HAS THE AUTHORITY TO CONVEY AND TO DISPOSE OF THE STATE'S INTEREST IN EXCESS MILITARY PROPERTY; AND FOR OTHER PURPOSES.

**Senate Bill No. 749** 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. 1527  
*As Engrossed: H2/24/03*  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: *REPRESENTATIVES BLEDSOE, PARKS*

A Bill for an Act to be Entitled: AN ACT TO CREATE THE CRIMINAL OFFENSE OF THREATENING A JUDICIAL OFFICIAL OR JUROR; AND FOR OTHER PURPOSES.

*House Bill No. 1527* was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIAL.

HOUSE BILL NO. 1707  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: *REPRESENTATIVES HARDWICK, DANGEAU, JACKSON*

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THAT THE DRIVER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT TO BE TESTED FOR THE PRESENCE OF DRUGS; AND FOR OTHER PURPOSES.

*House Bill No. 1707* was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1718  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE OPERATIONS OF THE ARKANSAS BIOSCIENCES INSTITUTES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1718 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1775  
EIGHTY-FOURTH 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 SERVICE COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1775 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1935  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE ADAMS

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE OFFENSE OF SEXUAL ASSAULT IN THE SECOND DEGREE TO INCLUDE A PERSON LESS THAN EIGHTEEN (18) YEARS OLD WHO ENGAGES IN SEXUAL CONTACT WITH A PERSON NOT THE PERSON'S SPOUSE WHO IS LESS THAN FOURTEEN (14) YEARS OLD; AND FOR OTHER PURPOSES.

House Bill No. 1935 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1936  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE ADAMS

A Bill for an Act to be Entitled: AN ACT TO MAKE SECOND OFFENSE INDECENT EXPOSURE COMMITTED AGAINST A CHILD LESS THAN FIFTEEN YEARS OF AGE A CLASS D FELONY; AND FOR OTHER PURPOSES.

House Bill No. 1936 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1937  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE ADAMS

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE OFFENSE OF SEXUAL ASSAULT IN THE THIRD DEGREE TO INCLUDE A PERSON UNDER EIGHTEEN (18) YEARS OF AGE WHO ENGAGES IN SEXUAL INTERCOURSE WITH A PERSON NOT THE PERSON'S SPOUSE WHO IS LESS THAN FOURTEEN (14) YEARS OF AGE; AND FOR OTHER PURPOSES.

House Bill No. 1937 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1938  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE ADAMS

A Bill for an Act to be Entitled: AN ACT TO EXPAND THE OFFENSE OF SEXUAL ASSAULT IN THE FOURTH DEGREE TO INCLUDE SEXUAL CONTACT WITH A PERSON NOT THE PERSON'S SPOUSE WHO IS LESS THAN SIXTEEN YEARS OF AGE; AND FOR OTHER PURPOSES.

House Bill No. 1938 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1942  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES JEFFREY, BOND, EDWARDS, ET AL

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT NO PERSON SHALL DRIVE OR MOVE ANY VEHICLE OR EQUIPMENT UPON ANY HIGHWAY WITH ANY LAMP OR DEVICE THEREON DISPLAYING A RED, BLUE, OR GREEN LIGHT VISIBLE FROM DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE; AND FOR OTHER PURPOSES.

House Bill No. 1942 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

HOUSE BILL NO. 1951  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES CHESTERFIELD, C. JOHNSON, WHITE, ET AL  
BY: SENATORS BROWN, STEELE, G. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO DETERMINE AND PREPARE A LIST OF THE SKILLS THAT A CHILD SHOULD HAVE IN ORDER TO BE PREPARED WHEN ENTERING KINDERGARTEN; TO REQUIRE THE DEPARTMENT OF EDUCATION TO PUBLISH THE LIST OF SKILLS; TO REQUIRE DISTRIBUTION OF THE LIST AT CHILD CARE FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1951 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

SENATE BILL NO. 54, BY SENATOR ALTES,

SENATE BILL NO. 55, BY SENATOR ALTES,

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 1:25 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 54

SENATE BILL NO. 55

RECEIVED the above papers from the Secretary of the Senate this 6th day of March, 2003 at 1:25 p.m.

(SIGNED) MIKE HUCKABEE  
Governor

(SIGNED) CORY COX  
Secretary

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

**HOUSE BILL NO. 1038**, BY REPRESENTATIVE FERGUSON,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FOURTH GENERAL ASSEMBLY  
REGULAR SESSION

March 6, 2003

Mr. President:

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

**Senate BILL NO. 379**, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

**Senate Bill No. 379** was ordered immediately transmitted to the House.

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SENATE BILLS TRANSMITTED TO THE HOUSE  
AS PASSED

SENATE BILL NO. 159  
SENATE BILL NO. 204  
SENATE BILL NO. 224  
SENATE BILL NO. 303  
SENATE BILL NO. 344  
SENATE BILL NO. 347  
SENATE BILL NO. 379  
SENATE BILL NO. 386  
SENATE BILL NO. 399  
SENATE BILL NO. 407  
SENATE BILL NO. 443  
SENATE BILL NO. 452

SENATE CONCURRENT RESOLUTION TRANSMITTED  
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 15

SENATE BILL RETURNED FROM THE HOUSE  
AS PASSED AS AMENDED

SENATE BILL NO. 264

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1527

HOUSE BILL NO. 1707

HOUSE BILL NO. 1718

HOUSE BILL NO. 1775

HOUSE BILL NO. 1935

HOUSE BILL NO. 1936

HOUSE BILL NO. 1937

HOUSE BILL NO. 1938

HOUSE BILL NO. 1942

HOUSE BILL NO. 1951

On motion of Senator Baker, the Senate adjourned until 1:30 p.m., Monday, March 10, 2003.

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PRESIDENT

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SECRETARY

