

--ooOoo--

**FORTY-FOURTH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION**

Little Rock, Arkansas

February 20, 2007

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, CAPPES, CRITCHER,
CRUMBLY, FARIS, GLOVER, HENDREN, HILL, HORN,
G.JEFFRESS, J.JEFFRESS, JOHNSON, LAVERTY,
LUKER, MADISON, MALONE, MILLER, PRITCHARD,
SALMON, SMITH, STEELE, TAYLOR, THOMPSON,
TRUSTY, WHITAKER, WILKINS, WILKINSON,
WOMACK.

The Senate was led in prayer by Pastor Darrel Kobs of St. John's
Lutheran Church of Russellville.

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On motion of Senator Wilkins, [Senate Bill No. 227](#) was withdrawn from the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, and placed back on second reading for purpose of Amendment No. 1 and No. 2.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 227](#)

Amend [Senate Bill No. 227](#) as originally introduced:

Add Representatives Rosenbaum and Shelby as cosponsors to the bill

AND

Page 2, delete line 35 and substitute:
~~"wearing a seatbelt.~~

SECTION 4. This act is effective on January 1, 2008."

(SIGNED) SENATOR HENRY "HANK" WILKINS

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 2 to SENATE BILL NO. 227](#)

Amend [Senate Bill No. 227](#) as originally introduced:

Page 2, delete line 35 and substitute:

~~"wearing a seat belt.~~

SECTION 4. Arkansas Code § 27-34-105 is amended to read as follows:
27-34-105. Exceptions to provisions.

The provisions of this chapter shall not apply when any one (1) of the following conditions exist:

(1) The motor vehicle is being used as an ambulance or other emergency vehicle;

(2) When an emergency exists that threatens:

(A) The life of any person operating a motor vehicle to whom this section otherwise would apply; or

(B) The life of any child who otherwise would be required to be restrained under this chapter; or

(3) If any child who would otherwise be required to be restrained under this chapter is physically unable because of medical reasons to use a child passenger safety seat system or seat safety belt, and the medical reasons are certified by a physician who states the nature of such medical conditions as well as the reason the use of a child passenger safety seat system or seat safety belt is inappropriate." ;

AND

appropriately renumber subsequent sections of the bill.

(SIGNED) SENATOR HENRY "HANK" WILKINS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 227 was ordered engrossed.

On motion of Senator Salmon, **Senate Bill No. 266** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 266

Amend **Senate Bill No. 266** as engrossed, S2/8/07:

Page 10, delete lines 23 through 26 and substitute the following:

"(W) An employee or volunteer who enters the home of or has contact with an elderly person;"

AND

Page 10, line 27, delete "(Z)" and substitute "(X)"

AND

Page 10, line 29, delete "(AA)" and substitute "(Y)"

AND

Page 10, line 31, delete "(BB)" and substitute "(Z)"

(SIGNED) SENATOR SALMON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 266 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 227, BY SENATOR WILKINS,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Wilkins, **Senate Bill No. 227** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 266, BY SENATOR SALMON, et al,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Salmon, **Senate Bill No. 266** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

We, your Committee on AGRICULTURE, ECONOMIC & INDUSTRIAL DEVELOPMENT, to whom was referred:

HOUSE BILL NO. 1005, BY REPRESENTATIVE WELLS,

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 JIM LUKER
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 287, BY SENATOR MADISON,
SENATE BILL NO. 298, BY SENATOR BISBEE,

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

Respectfully submitted,

(SIGNED) SENATOR IRMA HUNTER BROWN
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

HOUSE BILL NO. 1359, BY REPRESENTATIVE EVERETT,
HOUSE BILL NO. 1447, BY REPRESENTATIVE OVERBEY,
HOUSE BILL NO. 1450, BY REPRESENTATIVE MEDLEY,

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

Respectfully submitted,

(SIGNED) SENATOR IRMA HUNTER BROWN
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 59, BY SENATOR FARIS,
SENATE BILL NO. 286, BY SENATOR MADISON,

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

Respectfully submitted,

(SIGNED) SENATOR STEVE FARIS
CHAIRMAN

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

HOUSE BILL NO. 1368, BY REPRESENTATIVE DUNN,

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
and No. 2.

Respectfully submitted,

(SIGNED) SENATOR STEVE FARIS
CHAIRMAN

SENATE BILL NO. 335
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO
THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
FOR THE PURCHASE OF REPLACEMENT VEHICLES FOR HUMAN SERVICE,
RURAL AND URBAN PUBLIC TRANSPORTATION PROVIDERS; AND FOR
OTHER PURPOSES.

Senate Bill No. 335 was read the first time, rules suspended, read the second
time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 336
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS AT PINE BLUFF FOR THE DEVELOPMENT OF A STUDENT DIVERSITY CENTER; AND FOR OTHER PURPOSES.

Senate Bill No. 336 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 337
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WILKINS

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS AT PINE BLUFF FOR THE DEVELOPMENT OF PHASE I & II OF THE FIELD HOUSE/WELLNESS COMPLEX; AND FOR OTHER PURPOSES.

Senate Bill No. 337 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 338
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BRYLES
BY: REPRESENTATIVES WAGNER AND T. BAKER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS NORTHEASTERN COLLEGE FOR A CAMPUS TECHNOLOGY UPGRADE AND RENOVATION AT THE BURDETTE CENTER; AND FOR OTHER PURPOSES.

Senate Bill No. 338 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 339
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF CORRECTION; AND FOR OTHER PURPOSES.

Senate Bill No. 339 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 340
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING; AND FOR OTHER PURPOSES.

Senate Bill No. 340 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 341
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 341 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 342
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE INSTITUTIONS OF HIGHER EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 342 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 343
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS GOVERNOR'S MANSION COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 343 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 344
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE SECRETARY OF STATE; AND FOR OTHER PURPOSES.

Senate Bill No. 344 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 345
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS LIVESTOCK AND POULTRY COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 345 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 346
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE OFFICE OF INFORMATION TECHNOLOGY; AND FOR OTHER PURPOSES.

Senate Bill No. 346 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 347
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 347 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 348
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF PARKS AND TOURISM - ARKANSAS HISTORY COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 348 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 349
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

Senate Bill No. 349 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 350
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE STATE CRIME LABORATORY; AND FOR OTHER PURPOSES.

Senate Bill No. 350 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 351
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF ARKANSAS STATE POLICE; AND FOR OTHER PURPOSES.

Senate Bill No. 351 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 352
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE DEPARTMENT OF WORKFORCE EDUCATION - ARKANSAS TECHNICAL CAREERS STUDENT LOAN FORGIVENESS PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 352 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 353
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL IMPROVEMENT APPROPRIATIONS FOR THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 353 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 354
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR THE ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES AND THE ARTS FOR IMPROVEMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 354 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

On motion of Senator Glover, **Senate Bill No. 278** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 278

Amend **Senate Bill No. 278** as originally introduced:

Add Representative Overbey as a cosponsor

AND

Page 3, delete line 15 and substitute:

"L. No. 109-59, §§ 4301 et seq., as in effect on January 1, 2007."

AND

Page 3, delete line 29 and substitute:

"Carrier Registration Act of 2005, Pub. L. No. 109-59, §§ 4301 et seq., as in effect on January 1, 2007, and"

AND

Page 3, delete line 36 and substitute:

"(a) Any fees collected by the Director of the Department of Finance and Administration under this section shall be classified as special revenues and shall be deposited into the State Treasury.

(b) Upon receipt of the funds, and if not prohibited by the Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, §§ 4301 et seq., as in effect on January 1, 2007, the Treasurer of State shall deduct three percent (3%) of the funds as a charge by the state for its services as specified in this section and shall credit the three percent (3%) to the Constitutional Officers Fund and the State Central Services Fund, as defined in the Revenue Classification Law of Arkansas, § 19-6-101 et seq., or to any successor State Treasury fund or funds established by law to replace the Constitutional Officers Fund and the State Central Services Fund.

(c) The net amount of the fees collected by the director under this section shall be transferred by the Treasurer of State on the last business day of each month to the State Highway and Transportation Department Fund and shall be distributed and expended in the manner directed by the Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, as it existed on January 1, 2007, for the payment of expenses incurred by the Arkansas State Highway and Transportation Department for motor carrier law enforcement and safety operations."

AND

Page 4, delete lines 1 through 8.

AND

Page 4, delete line 12 and substitute:

"2005, Pub. L. No. 109-59, §§ 4301 et seq., as in effect on January 1, 2007, and who uses the highways of this"

(SIGNED) SENATOR GLOVER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 278 was ordered engrossed.

On motion of Senator Whitaker, [Senate Bill No. 69](#) was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 3.

[ARKANSAS SENATE](#)
[EIGHTY-SIXTH GENERAL ASSEMBLY](#)
[REGULAR SESSION](#)
[Amendment No. 3 to SENATE BILL NO. 69](#)

Amend [Senate Bill No. 69](#) as engrossed, S2/13/07:

Page 1, line 28, delete "sole" and substitute "stated"

AND

Page 1, line 29, delete "(2)(A)" and substitute "(2)"

AND

Page 1, delete lines 32 through 36

AND

Page 2, delete line 1

AND

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

AND

Page 2, delete lines 14 through 18

AND

Page 2, delete lines 30 through 32

AND

Page 2, line 33, delete "(3)" and substitute "(2)"

AND

Page 2, delete line 35, and substitute the following:

"proceeding that a judge or jury find appropriate; and"

AND

Page 2, delete line 36

AND

Page 3, delete lines 1 through 6

AND

Page 3, line 7, delete "(4)" and substitute "(3)"

AND

Page 3, line 9, delete "compensation; and" and substitute "compensation."

AND

Page 3, delete lines 10 through 16

AND

Page 3, line 21, delete "natural gas, or" and substitute "natural gas, water, or"

(SIGNED) SENATOR RUTH WHITAKER

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 Steele, **House Bill No. 1298** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1298

Amend **House Bill No. 1298** as originally introduced:

Page 4, delete lines 19 and 20 and substitute the following:
"14-2-308. [Reserved.]"

AND

Page 4, line 34, delete "(3) May" and substitute "(3)(A) May"

AND

Page 4, delete line 36 and substitute the following:
"301 et seq.

(B) Unless a county recorder has implemented the Uniform Real Property Electronic Recording Act, § 14-2-301 et seq., the transmission of an electronic document to the county recorder has no legal effect.

(C) A person that seeks to record an electronic document is solely responsible for determining if a county recorder has implemented the Uniform Real Property Electronic Recording Act, § 14-2-301 et seq."

(SIGNED) SENATOR TRACY STEELE

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1298 was ordered engrossed.

On motion of Senator Smith, the rules were suspended in considering **Senate Bill No. 304** at this time.

On motion of Senator Smith, **Senate Bill No. 304** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 304

Amend **Senate Bill No. 304** as originally introduced:

Page 5, delete line 8 and substitute the following:

"(1) The manufacturer may sell to the consumer at the winery; ~~in~~"

AND

Page 5, line 12, delete "~~(2)~~(1)" and substitute "(2)"

AND

Page 5, line 14, delete "~~(3)~~(2)" and substitute "(3)"

AND

Page 5, line 23, delete "~~(c)~~(1)" and substitute "(c)(1)"

AND

Page 5, delete lines 28 through 31 and substitute the following:

~~"(2)(A) An individual who purchases native Arkansas wine at the winery may transport the wine under this section, 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."~~

AND

Page 6, line 6, delete "~~or off-premises~~" and substitute "or off-premises"

AND

Page 6, line 10, delete "~~or off-premises~~" and substitute "or off-premises"

(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. 304 was ordered engrossed.

The President declared the morning hour to have expired.

On motion of Senator Miller, **Senate Bill No. 295** was called up for third reading and final disposition.

SENATE BILL NO. 295
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MILLER

A Bill for an Act to be Entitled: AN ACT TO AMEND PORTIONS OF ARKANSAS LAW RELATED TO DAMAGED MOTOR VEHICLES; AND FOR OTHER PURPOSES.

Senator Altes spoke against the Bill.

Senator Miller closed for the Bill.

Senate Bill No. 295 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: Argue, Bisbee, Bookout, Brown, Bryles, Crumbly, Faris, Glover, Hendren, Hill, Horn, J. Jeffress, Laverty, Luker, Madison, Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, R. Thompson, Trusty, Wilkins, Wilkinson, Womack.

Total26

NEGATIVE: Altes.

Total1

ABSENT OR NOT VOTING: Baker, Broadway, Capps, Critcher, G. Jeffress, B. Johnson, J. Taylor, Whitaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast27

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

On motion of Senator Pritchard, **House Bill No. 1230** was called up for third reading and final disposition.

HOUSE BILL NO. 1230

As Engrossed: S2/15/07

EIGHTY-SIXTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES PATTERSON, ADCOCK, ALLEN, ET AL,

BY: SENATORS B. PRITCHARD, R. THOMPSON & TRUSTY

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH A WAITING PERIOD OF SIX (6) YEARS AFTER THE DATE OF DENIAL OF AN APPLICATION FOR EXECUTIVE CLEMENCY FOR PERSONS SENTENCED TO LIFE IMPRISONMENT WITHOUT PAROLE FOR FILING A NEW APPLICATION FOR EXECUTIVE CLEMENCY; TO ALLOW THE PAROLE BOARD TO WAIVE THE WAITING PERIOD UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Senator Luker spoke against the Bill.

Sentor Lavery spoke for the Bill.

Senator Wilkinson spoke for the Bill.

House Bill No. 1230 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, Crumbly, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Malone, Miller, B. Pritchard, T. Smith, J. Taylor, R. Thompson, Trusty, Whitaker, Wilkinson, Womack.

Total23

NEGATIVE: Argue, Luker, Steele.

Total3

ABSENT OR NOT VOTING: Broadway, Brown, Bryles, Capps, Critcher, Hill, Madison, Salmon, Wilkins.

Total9

VOTING PRESENT:

Total0

Total number of votes cast26

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senator Pritchard gave notice that, within the time prescribed by the rules, he would move to reconsider the vote by which **House Bill No. 1230** passed, and motion be laid upon the table, motion prevailed, laid upon the table.

House Bill No. 1230 was ordered immediately returned to the House as passed as amended.

On motion of Senator Womack, the rules were suspended in considering **House Bill No. 1427** at this time.

On motion of Senator Womack, **House Bill No. 1427** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1427

Amend **House Bill No. 1427** as engrossed H2/14/07:

Page 2, line 8, delete "eight (8)" and substitute "twelve (12)"

AND

Page 2, lines 9 and 10, delete “each be appointed for a term of two (2)” and substitute “be appointed for staggered terms of four (4)”

AND

Page 2, line 15, delete “and”

AND

Page 2, delete line 20 and substitute the following:

“(4) congressional districts of the state; and

(C)(i) Four (4) members shall be appointed by the Governor.

(ii) In making the appointments, the Governor shall appoint one (1) member from each of the four (4) congressional districts of the state.”

AND

Page 3, delete lines 33 and 34 and substitute the following:

“(b)(1) Grant applications shall be considered in three (3) cycles during a biennial period. One third (1/3) of the moneys appropriated and available to the commission for grants during the biennium should be awarded during each cycle.

(2)(A) Grant application deadlines shall be as follows:

(i) Cycle 1 grant applications shall be filed in odd numbered years by May 15, and the commission shall make cycle 1 grant awards by June 30;

(ii) Cycle 2 grant applications shall be filed in odd numbered years by September 15, and the commission shall make cycle 2 grant awards by October 31; and

(iii) Cycle 3 grant applications shall be filed in even numbered years by March 15, and the commission shall make cycle 3 grant awards by April 30.

(B) If a deadline occurs on a Saturday, Sunday, or legal holiday, the”

AND

Page 4, delete lines 30 through 33

AND

Page 4, line 34, delete “(c)” and substitute “(b)”

AND

Page 5, line 10, delete “(d)” and substitute “(c)”

AND

Page 6, delete lines 21 through 23 and substitute the following:

“(2) Determine their terms by lot, so that for the appointments made by each appointing officer:

(A) One (1) appointee serves for a term of one (1) year;

(B) One (1) appointee serves for a term of two (2) years;

(C) One (1) appointee serves for a term of three (3) years; and

(D) One (1) appointee serves for a term of four (4) years.

(3) Approve grant application forms and grant instructions; and

(4) Transact such other business as may be necessary to implement the grant program.”

(SIGNED) SENATOR WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1427 was ordered engrossed.

SENATE BILL NO. 355

EIGHTY-SIXTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR SALMON

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING THE SALE OF TAX DELINQUENT LANDS; AND FOR OTHER PURPOSES.

Senate Bill No. 355 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Senate Concurrent Memorial Resolution No. 2 was returned from the House as concurred in and ordered enrolled.

Senate Bill No. 55 was returned from the House as passed and ordered enrolled.

Senate Bill No. 187 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 69, BY SENATOR WHITAKER, et al,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Whitaker, Senate Bill No. 69 was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 304, BY SENATOR T. SMITH, et al,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 304** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 278, BY SENATOR GLOVER,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

SENATE BILL NO. 356
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

BY: SENATORS J. TAYLOR, WILKINS & J. JEFFRESS

BY: REPRESENTATIVES E. BROWN, FLOWERS, T. BRADFORD, CHEATHAM,
MAXWELL, REEP & MOORE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SOUTHEAST ARKANSAS COLLEGE FOR THE SECONDARY CENTER OF EXCELLENCE TECHNOLOGIES COMPLEX; AND FOR OTHER PURPOSES.

Senate Bill No. 356 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 357
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HORN

A Bill for an Act to be Entitled: AN ACT TO REDUCE THE AMOUNT OF TIME ALLOTTED FOR INDEPENDENT AUDITS UNDER THE SELF-INSURED FIDELITY BOND PROGRAM; AND FOR OTHER PURPOSES.

Senate Bill No. 357 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

HOUSE BILL NO. 1367
As Engrossed: H2/13/07
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE DUNN
BY: SENATOR T. SMITH

A Bill for an Act to be Entitled: AN ACT TO AMEND § 23-3-201 TO PROVIDE THAT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS NOT REQUIRED FOR REPLACING OR EXPANDING AN EXISTING FACILITY OR TO INCREASE A FACILITY'S CAPACITY IF THE EXISTING RIGHT-OF-WAY IS NOT INCREASED; AND FOR OTHER PURPOSES.

House Bill No. 1367 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

HOUSE BILL NO. 1454
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES D. JOHNSON AND GARNER

A Bill for an Act to be Entitled: AN ACT TO DISCONTINUE THE ARKANSAS ADVISORY COMMISSION ON MANDATED HEALTH INSURANCE BENEFITS; AND FOR OTHER PURPOSES.

House Bill No. 1454 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

HOUSE BILL NO. 1298, BY REPRESENTATIVE HARRELSON, et al,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Steele, House Bill No. 1298 was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

SENATE BILL NO. 358
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR GLOVER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF RURAL SERVICES FOR LOCAL GRANTS; AND FOR OTHER PURPOSES.

Senate Bill No. 358 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 359
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR T. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE NATIONAL PARK COMMUNITY COLLEGE FOR CLASSROOM AND INFRASTRUCTURE TECHNOLOGY IMPROVEMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 359 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

SENATE BILL NO. 198, BY SENATOR FARIS, BROADWAY,
SENATE BILL NO. 201, BY SENATOR HILL,
REPRESENTATIVE SULLIVAN,
SENATE BILL NO. 213, BY SENATOR HILL,
SENATE BILL NO. 246, BY SENATOR WILKINSON,
REPRESENTATIVE PATE & WELLS,

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 2:40 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) HENRY "HANK" WILKINS, IV
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 198
SENATE BILL NO. 201
SENATE BILL NO. 213
SENATE BILL. NO. 246

RECEIVED the above papers from the Secretary of the Senate this 20th day of February 2007 at 2:40 p.m..

(SIGNED) MIKE BEEBE
Governor

(SIGNED) J. Marc Harrison
Secretary

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

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

HOUSE BILL NO. 1427, BY REPRESENTATIVES THYER, et al,

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) HENRY "HANK" WILKINS, IV
CHAIRMAN

On motion of Senator Womack, **House Bill No. 1427** was ordered re-referred to the Committee on JOINT BUDGET.

SENATE CONCURRENT RESOLUTION NO. 10
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FARIS

SENATE CONCURRENT RESOLUTION ENCOURAGING THE COUNTRY
MUSIC HALL OF FAME TO ADD THE BROWNS TO ITS MEMBERSHIP.

Senate Concurrent Resolution No. 10 was read the first time, rules suspended,
read the second time and placed on the Calendar.

ARKANSAS SENATE
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION

February 20, 2007

Mr. President:

We, your Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS, to whom was referred:

SENATE BILL NO. 57, 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.

Respectfully submitted,

(SIGNED) SENATOR JIMMY JEFFRESS
CO-CHAIRMAN

SENATE BILL NO. 360
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HORN

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SAU-TECH FOR THE AIR POWER SCHOOL EXPENSES; AND FOR OTHER PURPOSES.

Senate Bill No. 360 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 361
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS HORN, CRUMBLY, MADISON, T. SMITH & TRUSTY
BY: REPRESENTATIVES KEY, BERRY, EDWARDS, ET AL

A Bill for an Act to be Entitled: AN ACT TO REVISE THE MINIMUM WAGE LAW ALLOWANCE FOR GRATUITIES; AND FOR OTHER PURPOSES.

Senate Bill No. 361 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

SENATE BILL NO. 362
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR CRUMBLY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES FOR THE AREA HEALTH EDUCATION CENTER IN PHILLIPS COUNTY; AND FOR OTHER PURPOSES.

Senate Bill No. 362 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 363
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION - EDUCATIONAL TELEVISION DIVISION FOR HONORING ARKANSAS' WAR HEROES PROJECT; AND FOR OTHER PURPOSES.

Senate Bill No. 363 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 364
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE ARKANSAS PROSTATE CANCER FOUNDATION; AND FOR OTHER PURPOSES.

Senate Bill No. 364 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 365
EIGHTY-SIXTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HILL

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS AGRICULTURE DEPARTMENT - LIVESTOCK AND POULTRY COMMISSION FOR STATE FAIRGROUNDS EXPENSES; AND FOR OTHER PURPOSES.

Senate Bill No. 365 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

* * * * *

SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 295

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1230 AS AMENDED NO. 2, NO. 3

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 55
SENATE BILL NO. 187

SENATE CONCURRENT MEMORIAL RESOLUTION RETURNED TO THE
SENATE AS CONCURRED IN

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 2

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1367

HOUSE BILL NO. 1454

On motion of Senator Whitaker, the Senate adjourned until 1:30 p.m.,
Wednesday, February 21, 2007.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE