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

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Little Rock, Arkansas  
February 10, 2005

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,  
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,  
FARIS, GLOVER, HENDREN, HIGGINBOTHOM, HILL,  
HOLT, HORN, G.JEFFRESS, J.JEFFRESS, JOHNSON,  
LAVERTY, LUKER, MADISON, MALONE, MILLER,  
SMITH, STEELE, TAYLOR, TRUSTY, WHITAKER,  
WILKINSON, WOMACK, WOOLDRIDGE.

Leave was requested for Senators Wilkins and Salmon

The Senate was led in prayer by Reverend Alvin Wiles, First Baptist Church,  
Sidney, AR.

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

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

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 289, BY SENATOR BRYLES,

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

Respectfully submitted,  
(SIGNED) SENATOR STEVE FARIS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

HOUSE BILL NO. 1316, BY REPRESENTATIVE GREEN,  
HOUSE BILL NO. 1326, BY REPRESENTATIVE MCDANIEL,  
HOUSE BILL NO. 1332, BY REPRESENTATIVE WALTERS,  
HOUSE BILL NO. 1361, BY REPRESENTATIVE OVERBEY,

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

Respectfully submitted,  
(SIGNED) SENATOR STEVE FARIS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 265, 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 it do pass.

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

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

HOUSE BILL NO. 1148, BY REPRESENTATIVE M. MARTIN,

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

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

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 58, BY JOINT BUDGET,  
SENATE BILL NO. 60, BY JOINT BUDGET,  
SENATE BILL NO. 61, BY JOINT BUDGET,  
SENATE BILL NO. 90, BY JOINT BUDGET,  
SENATE BILL NO. 272, BY SENATOR GLOVER,  
SENATE BILL NO. 284, BY SENATOR ALTES,  
SENATE BILL NO. 308, BY SENATOR TAYLOR,  
SENATE BILL NO. 314, 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.

Respectfully submitted,  
(SIGNED) SENATOR DAVID BISBEE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 5, BY SENATOR ALTES,  
SENATE BILL NO. 226, BY SENATOR WILKINSON,

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

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

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

HOUSE BILL NO. 1287, BY REPRESENTATIVE PYLE,

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

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

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 307, BY SENATOR GLOVER,

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

Respectfully submitted,  
(SIGNED) SENATOR STEVE HIGGINBOTHOM, CHAIRMAN

On motion of Senator Womack, Senate Bill No. 2 was placed back on second reading for purpose of Amendment No. 2, withdrawn Amendment No. 2.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 3 to SENATE BILL NO. 2

Amend Senate Bill No. 2 as engrossed, S1/20/05:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1 is amended to add an additional section to read as follows:

6-17-137. Physical education credit for physical activity courses.

(a) For the purpose of this act the following terms shall mean:

(1) "Content standards" means those curriculum course content standards identified and set out in the Department of Education Curriculum Frameworks;

(2) "Curriculum frameworks" means those content-specific requirements identified and mandated pursuant to § 6-15-1501 et seq. and the Arkansas Standards of Accreditation;

(3) "Organized physical activity course" means a school course taught by an instructor that is licensed or qualified in physical education pursuant to the rules of the State Board of Education and is a course that involves body movement produced by skeletal muscles resulting in energy expenditures through organized group or class activities; and

(4) "Statement of assurance" means a written statement to be filed by the superintendent or chief academic officer by October 1 of each school year with the Department of Education which ensures that the organized physical activity course is in compliance with the physical education course content standards and curriculum frameworks as required pursuant to § 6-15-1505 and the requirements of subdivision (b)(2).

(b) Beginning in the 2005-2006 school year, a student in grades nine through twelve (9-12) participating in and successfully completing an organized physical activity course in his or her school shall be eligible to receive one-half (1/2) unit of physical education credit required for graduation if:

(1) The organized physical activity course is aligned to the Department of Education's physical education course content standards and curriculum frameworks; and

(2) The organized physical activity course is verified by the superintendent of the school district or the chief administrative officer of an open-enrollment charter school who files a written statement of assurance with the Department of Education by October 1 of the school year as required under § 6-15-1505 stating that:

(A) The instructor of the organized physical activity course is licensed or qualified in physical education pursuant to the rules of the State Board of Education; and

(B) The organized physical activity course is aligned to the Department of Education's physical education course content standards and curriculum frameworks.

(c) A student is limited to only the one-half (1/2) unit of physical education credit for graduation for the organized physical activity course, and the student shall not be allowed any other credit toward graduation for that same course.

(d) A student must complete the entire semester and pass the physical activity course to receive the one-half (1/2) unit of physical education credit required for graduation.

(e) The physical activity course shall take place during the regular school day to qualify for physical education credit, except for those physical activity courses outside the regular school day which are listed on the school district's master schedule.

(f)(1) If it is determined by the Department of Education that any organized physical activity course allowed to be used for physical education credit by a student does not meet the Department of Education's physical education course content standards and curriculum frameworks, as required under this section, the school district or open-enrollment charter school may be cited or placed in probationary violation of the Standards for Accreditation of Arkansas Public Schools under The Quality Education Act of 2003, § 6-15-201 et seq.

(2) If it is determined by the Department of Education that a superintendent or chief academic officer or any other certified personnel has knowingly provided false or misleading information in the statement of assurance required under this section, the State Board of Education may take appropriate action on the license of that individual pursuant to § 6-17-410.

(g) The Department of Education is authorized to monitor, review documentation, request information, or require additional reports, from public schools, school districts, open-enrollment charter schools, or school personnel to enforce compliance with the requirements of this section.

(h) Notwithstanding the provisions of this section, it is recognized that organized physical activity courses as set forth under subsection (b) are not a requirement for an adequate education and shall not be considered a core academic requirement of the State of Arkansas or public schools districts.

(i) The State Board of Education may promulgate rules necessary to implement this section."

(SIGNED) SENATOR SHAWN WOMACK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 2 was ordered engrossed.

On motion of Senator Critcher, **House Bill No. 1033** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE AND LABOR, and placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to HOUSE BILL NO. 1033**

Amend **House Bill No. 1033** as engrossed, S2/8/05:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 20-16-801 is amended to read as follows:

20-16-801. ~~Notification~~ Consent required.

~~No abortion operation shall be performed upon an unemancipated minor, or upon a woman for whom a guardian or custodian has been appointed because of a finding of incompetency, until at least forty-eight (48) hours after written notice of the pending operation has been delivered in the manner, and subject to the exceptions, provided in this subchapter.~~

Except as otherwise provided in §§ 20-16-804 and 20-16-805, no person may perform an abortion upon an unemancipated minor, or upon a woman for whom a guardian or custodian has been appointed because of a finding of incompetency, unless the person or the person's agent first obtains the written consent of either parent or the legal guardian or custodian.

SECTION 2 Arkansas Code § 20-16-802 is amended to read as follows:

20-16-802. Definitions.

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

(1) "Abortion" shall mean the intentional termination of the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth or to remove a dead or dying fetus;

(2) "Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function;

~~(2)~~(3) "Minor" means an individual under the age of eighteen (18) years;

~~(3)~~(4) "Parent" shall mean ~~both parents~~ either parent of the pregnant woman if they are both living; one (1) parent of the pregnant woman if only one (1) is living or if the second one (1) cannot be located through reasonably diligent effort; or the court-appointed guardian or custodian if the pregnant woman has one; and

~~(4)~~(5) "Unemancipated minor" means a minor who is under the care, custody, and control of her parent or parents.

SECTION 3. Arkansas Code § 20-16-803 is amended to read as follows:

20-16-803. Manner of ~~notice~~ consent.

~~(a) Notice shall be addressed to the parent at the usual place of abode of the parent and delivered personally to the parent by the physician or an agent.~~

~~(b) In lieu of the delivery required by subsection (a) of this section, notice shall be made by certified mail addressed to the parent at the usual place of abode of the parent, with return receipt requested and delivery restricted to the addressee. Delivery shall be deemed to occur at twelve noon on the next day, subsequent to mailing, on which regular mail delivery takes place.~~

(a) The person who performs the abortion or his or her agent shall obtain or be provided with the written consent from either parent or legal guardian.

(b) The written consent shall include, but not be limited to, the following information:

(1) Name and birthdate of the minor or incompetent woman;

(2) Name of the parent or legal guardian;

(3) Statement from the parent or legal guardian that he or she is aware that the minor desires an abortion and that he or she does consent to the abortion;

(4) The date; and

(5) Notarized signature of the parent or legal guardian.

(c) A notarized signature is not required if the person who performs the abortion or his or her agent witnesses the signature of the parent or legal guardian and signs the written consent as a witness.

(d) Prior to signing the written consent as a witness, the person who performs the abortion or his or her agent shall obtain from the parent or legal guardian positive proof of identification in the form of a valid photo identification card.

(e) A photocopy of the proof of identification and the written consent statement shall be maintained in the minor's or incompetent woman's medical records for a period of five (5) years from the date of the abortion.

SECTION 4. Arkansas Code § 20-16-804 is amended to read as follows:

20-16-804. Judicial relief from requirement.

Notwithstanding the provisions of §§ 20-16-801 and 20-16-803, if a pregnant minor or incompetent woman elects not to allow obtain the ~~notification~~ consent of one (1) or both parents or guardian or custodian, then, in that event:

(1)(A) Any judge of a ~~probate circuit~~ circuit court shall, upon petition or motion and after an appropriate hearing, authorize a physician to perform the abortion if ~~said the~~ the judge determines that the pregnant minor or incompetent woman is mature and capable of giving informed consent to the proposed abortion.

(B) If ~~said the~~ judge determines that the pregnant minor or incompetent woman is not mature, or if the pregnant woman does not claim to be mature, the judge shall determine whether the performance of an abortion upon her without ~~notification~~ consent of her parents, guardian, or custodian would be in her best interests and shall authorize a physician to perform the abortion without such ~~notification~~ consent if ~~said the~~ judge concludes that the pregnant minor or incompetent woman's best interests would be served thereby.

(2) Such a pregnant minor or incompetent woman may participate in proceedings in the court on her own behalf. However, the court shall advise her that she has a right to court-appointed counsel and shall, upon her request, provide her with such counsel.

(3) ~~Proceedings in the court under this subchapter shall be confidential and shall be given such precedence over other pending matters so that the court may reach a decision promptly~~ Court proceedings under this section shall be confidential and shall ensure the anonymity of the minor or incompetent person. All court proceedings under this section shall be sealed. The minor or incompetent person shall have the right to file her petition in the circuit court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and shall not be available to the public. These proceedings shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly and without delay so as to serve the best interests of the pregnant minor or incompetent woman. The judge shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a record of the evidence to be maintained, including the judge's own findings and conclusions.

(4) An expedited confidential appeal shall be available to any such pregnant minor or incompetent woman for whom the court denies an order authorizing an abortion without ~~notification~~ consent. An order authorizing an abortion without ~~notification~~ consent shall not be subject to appeal.

(5) No filing fees shall be required of any such pregnant minor or incompetent woman at either the trial or the appellate level.

SECTION 5. Arkansas Code § 20-16-805 is amended to read as follows:  
20-16-805. Limitations on requirement.  
~~Notification~~ Consent shall not be required under this subchapter if:

(1) The attending physician certifies in the pregnant minor or incompetent woman's medical record that ~~the abortion is necessary to prevent the woman's death~~ there is a medical emergency and there is insufficient time to provide ~~the required notice~~ obtain the required consent; or

(2) ~~The abortion is authorized in writing by the person or persons who are entitled to notice; or~~

(3) ~~A pregnant minor or incompetent woman declares that she is a victim of child abuse or neglect as defined in § 12-12-503, provided that a report of such abuse or neglect shall be made as provided in § 12-12-507.~~

(2) A judicial bypass is obtained under § 20-16-804.

SECTION 6. Arkansas Code § 20-16-806 is amended to read as follows:  
20-16-806. Penalty.

(a) The performance of an abortion in violation of this subchapter shall be a Class A misdemeanor and shall be grounds for a civil action by a person ~~wrongfully denied notification~~ whose consent is required.

~~(b) A person shall not be held liable under this subchapter if:~~

~~(1) The person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant minor or incompetent woman regarding information necessary to comply with this subchapter were bona fide and true; or~~

~~(2) If the person attempted with reasonable diligence to deliver notice, but was unable to do so.~~

~~(c)~~(b) Nothing in this subchapter shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero.

SECTION 7. Arkansas Code § 20-16-808 is amended to read as follows:  
20-16-808. When ~~notification~~ consent of parent not required.

~~Notification~~ Consent under this subchapter shall not be required to be given to a parent obtained from a parent if:

(1) ~~The parent's~~ Both of the parents' whereabouts are unknown; or

~~(2)(A) The parent has not been in contact with the minor's custodial parent or the minor for at least one (1) year; or~~ If the minor has only one (1) living parent and the minor states by affidavit that the parent has committed incest with the minor, has raped the minor, or has otherwise sexually abused the minor.

(B) The attending physician shall report the abuse as provided under § 12-12-504 and § 12-12-507.

~~(3) If the minor states by affidavit that the parent has committed incest with the minor or raped the minor or otherwise physically or sexually abused the minor.~~

SECTION 8. Arkansas Code Title 20, Chapter 16, Subchapter 8 is amended to add as a new section to read as follows:

20-16-809. When consent is not required.

A minor shall not be required to obtain consent under this subchapter if the guardianship or custody order has expired or is otherwise no longer in effect.

SECTION 9. Arkansas Code Title 20, Chapter 16, Subchapter 8 is amended to add an additional section to read as follows:

20-16-811. Additional information reported by abortion providers.

(a) In addition to other information reported by an abortion provider to the Department of Health, the following information shall be reported for each induced termination of pregnancy:

(1) Whether parental consent was required;

(2) Whether parental consent was obtained; and

(3) Whether a judicial bypass was obtained.

(b) The Department of Health shall revise its forms utilized by abortion providers to report an induced termination of pregnancy by including the reporting of information required by this section.

SECTION 10. If any one (1) or more provision, section, subsection, subdivision, sentence, clause, phrase, or word in this act is temporarily or permanently restrained or enjoined by judicial order, the original provisions shall remain in force as though the law was never amended. However, if the temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, this entire act shall have full force and effect."

(SIGNED) SENATOR JACK CRITCHER

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1033 was ordered engrossed.

On motion of Senator Madison, House Bill No. 1308 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to HOUSE BILL NO. 1308

Amend House Bill No. 1308 as originally introduced by:

Page 1, line 26, delete "found in " and substitute "found solely in"  
AND

Page 1, line 35, delete "found in " and substitute "found solely in"

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1308 was ordered engrossed.

On motion of Senator J. Jeffress, **House Bill No. 1034** was placed back on second reading for purpose of amendment, withdraw Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to HOUSE BILL NO. 1034**

Amend **House Bill No. 1034** as engrossed, H1/19/05:

Delete the title of the bill and substitute the following:

"AN ACT TO REQUIRE FORTY (40) MINUTES OF VISUAL ART AND FORTY (40) MINUTES OF MUSIC FOR STUDENTS IN GRADES ONE THROUGH SIX (1-6); AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO REQUIRE FORTY (40) MINUTES OF VISUAL ART AND FORTY (40) MINUTES OF MUSIC FOR STUDENTS IN GRADES ONE THROUGH SIX (1-6)."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-16-130 is amended to read as follows:  
 6-16-130. Visual art or music.

(a)(1) By no later than June 1, 2002, every public elementary school in the state shall provide instruction in visual art or music based on the state visual art and music frameworks for a period of not less than forty (40) minutes each calendar week of the school year.

(2)(A) Every student in grades one through six (1-6) shall be allowed to participate in the visual art or music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) Prior to June 1, 2005, the instruction required by this subsection may be provided by a volunteer or by a certified teacher.

(4) The Department of Education shall provide a stipend not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection.

(b)(1) By no later than June 1, 2005, every public elementary school in the state shall provide instruction for no less than forty (40) minutes in visual art and no less than forty (40) minutes in music based on the state visual art and music frameworks ~~for a period of not less than one (1) hour each calendar week of the school year~~ or an equivalent amount of time in each school year.

(2)(A) Every student in grades one through six (1-6) shall participate in the visual art and music class required in this subsection.

(B) Children with disabilities or other special needs shall be included in the visual art and music programs.

(3) The instruction required by subdivision (b)(1) of this subsection shall be provided by a licensed teacher certified to teach art or music, as applicable.

(4)(A) The department shall provide a stipend of not less than one hundred dollars (\$100) per class to each school for the purchase of necessary supplies or equipment for the classes required by this subsection (b) of this section.

(B) Subdivision (b)(4)(A) of this section shall be contingent on the appropriation and availability of funding for that purpose.

SECTION 2. This act shall be effective on June 1, 2005, for the 2005-2006 school year.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that beginning on June 1, 2005, school districts will be required to offer one (1) full hour of art and music to students in grades one through six (1-6); that one (1) hour class periods are not compatible with usual schedules used by school districts; and that school districts need sufficient time to hire staff, arrange schedules, allocate space, and purchase supplies based upon the changes made by this act. 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."

AND

If appropriate, renumber the remaining sections of the bill

(SIGNED) SENATOR JAMES WILKINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1034 was ordered engrossed.

On motion of Senator J. Jeffress, **House Concurrent Resolution No. 1003** was called up for third reading and final disposition.

**HOUSE CONCURRENT RESOLUTION NO. 1003**

**EIGHTY-FIFTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: REPRESENTATIVES ROEBUCK, WOOD, GEORGE, & D. CREEKMORE**

**BY: SENATORS WILKINSON, J. BOOKOUT, TRUSTY, & T. SMITH**

HOUSE CONCURRENT RESOLUTION TO ENCOURAGE ALL INSTITUTIONS OF HIGHER EDUCATION TO PARTICIPATE IN THE PARTIAL TUITION WAIVER PROGRAM FOR MEMBERS OF THE ARKANSAS NATIONAL GUARD AND THE RESERVES WHO ARE PURSUING UNDERGRADUATE STUDIES.

**House Concurrent Resolution No. 1003** was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

**House Concurrent Resolution No. 1003** was ordered immediately returned to the House as concurred in.

On motion of Senator Bookout, **House Concurrent Resolution No. 1006** was called up for third reading and final disposition.

**HOUSE CONCURRENT RESOLUTION NO. 1006**

*As Engrossed: S2/9/05*

**EIGHTY-FIFTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: REPRESENTATIVES ROEBUCK, WOOD, GEORGE, D. CREEKMORE**

**BY: SENATORS WILKINSON, J. BOOKOUT, TRUSTY, T. SMITH**

HOUSE CONCURRENT RESOLUTION TO ENCOURAGE ALL STATE AGENCIES, BOARDS, AND COMMISSIONS THAT REGULATE OCCUPATIONS AND PROFESSIONS TO EXTEND LENIENCY TO LICENSE HOLDERS, CERTIFICATE HOLDERS, AND REGISTRANTS WHO ARE ACTIVATED MEMBERS OF THE ARKANSAS NATIONAL GUARD AND RESERVES.

**House Concurrent Resolution No. 1006** was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

**House Concurrent Resolution No. 1006** was ordered immediately returned to the House as concurred in as amended.

The President declared the morning hour to have expired.

On motion of Senator Higginbothom, **Senate Bill No. 285** was called up for third reading and final disposition.

**SENATE BILL NO. 285**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS HIGGINBOTHOM, BAKER, BRYLES, LUKER, & TRUSTY**  
**REPRESENTATIVES KENNEY & LAMOUREUX**

A Bill for an Act to be Entitled: AN ACT TO CREATE CENTERS OF EXCELLENCE AT COLLEGES AND UNIVERSITIES IN ARKANSAS TO IMPROVE THE STATE'S ABILITY TO COMPETE IN THE KNOWLEDGE-BASED ECONOMY; AND FOR OTHER PURPOSES.

**Senate Bill No. 285** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Higginbothom, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, T. Smith, Taylor, Trusty, Wilkinson, Womack, Wooldridge.

Total .....25

NEGATIVE: Hendren, Holt.

Total .....2

ABSENT OR NOT VOTING: Bisbee, Critcher, Hill, Steele, Whitaker, Mr. President.

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

On motion of Senator Smith, **Senate Bill No. 290** was called up for third reading and final disposition.

**SENATE BILL NO. 290**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS T. SMITH & FARIS**  
**BY: REPRESENTATIVES MATHIS, SAMPLE, SAUNDERS, & BURRIS**

A Bill for an Act to be Entitled: AN ACT TO ALLOW QUALIFIED AMUSEMENT PARKS TO USE THE SALES TAX CREDIT PROVIDED UNDER THE ARKANSAS TOURISM DEVELOPMENT ACT TO OFFSET TOURISM TAX LIABILITY; AND FOR OTHER PURPOSES.

**Senate Bill No. 290** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 290** was ordered immediately transmitted to the House.

On motion of Senator Wooldridge, **Senate Bill No. 249** was called up for third reading and final disposition.

**SENATE BILL NO. 249**  
*As Engrossed: S2/3/05*  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, & TRUSTY**  
**BY: REPRESENTATIVE JACKSON**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR PAYMENT OF WITHHOLDING TAX THROUGH THE FEDERAL ELECTRONIC FUNDS TRANSFER PAYMENT SYSTEM; AND FOR OTHER PURPOSES.

**Senate Bill No. 249** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

On motion of Senator Wooldridge, the rules were suspended in considering **Amendment No. 1 to Senate Bill No. 252** at this time.

On motion of Senator Wooldridge, **Senate Bill No. 252** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 252**

Amend **Senate Bill No. 252** as originally introduced:

Add Senator Baker as a cosponsor of the bill.

(SIGNED) SENATOR TIM WOOLDRIDGE

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Wooldridge, **Senate Bill No. 252** was called up for third reading and final disposition.

SENATE BILL NO. 252  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, & TRUSTY  
BY: REPRESENTATIVE JACKSON

A Bill for an Act to be Entitled: AN ACT TO ALLOW TITLE COMPANIES TO ACQUIRE DOCUMENTARY STAMPS THROUGH CONSIGNMENT ARRANGEMENTS WITH THE ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Senate Bill No. 252 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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. 252 was ordered engrossed.

On motion of Senator Wooldridge, **Senate Bill No. 253** was called up for third reading and final disposition.

**SENATE BILL NO. 253**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, & TRUSTY**  
**BY: REPRESENTATIVE JACKSON**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CORPORATIONS ELECTING SUBCHAPTER S TREATMENT FOR ARKANSAS INCOME TAX PURPOSES TO FIRST ELECT SUBCHAPTER S TREATMENT FOR FEDERAL TAX PURPOSES; AND FOR OTHER PURPOSES.

**Senate Bill No. 253** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33  
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. 253** was ordered immediately transmitted to the House as passed.

On motion of Senator Wooldridge, **Senate Bill No. 254** was called up for third reading and final disposition.

**SENATE BILL NO. 254**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS WOOLDRIDGE, GLOVER, HILL, MILLER, & TRUSTY**  
**BY: REPRESENTATIVE JACKSON**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE INTEREST ALLOWED FOR AN OVERPAYMENT OF TAX ON DELINQUENT TAX RETURNS; AND FOR OTHER PURPOSES.

**Senate Bill No. 254** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33  
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. 254** was ordered immediately transmitted to the House as passed.

On motion of Senator Wooldridge, **Senate Bill No. 255** was called up for third reading and final disposition.

**SENATE BILL NO. 255**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS WOOLDRIDGE, ALTES, CRITCHER, WHITAKER, & WILKINSON**  
**BY: REPRESENTATIVES ABERNATHY, BLAIR, GLIDEWELL, R. GREEN,**  
**MEDLEY, PYLE, VERKAMP, & WALTERS**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY AND DEFINE THE SCOPE OF ACT 1285 OF 2003 REGARDING CHILD WELFARE AGENCIES AS IT PERTAINS TO RESIDENTIAL FACILITIES PROVIDING TREATMENT FOR CHILDREN DIAGNOSED WITH BOTH SUBSTANCE ABUSE AND PSYCHIATRIC DISORDERS; AND FOR OTHER PURPOSES.

**Senate Bill No. 255** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 255** was ordered immediately transmitted to the House.

On motion of Senator J. Jeffress, **Senate Bill No. 250** was called up for third reading and final disposition.

**SENATE BILL NO. 250**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR J. JEFFRESS**

A Bill for an Act to be Entitled: AN ACT TO ENSURE THE CONTINUATION OF HONOR ROLL PROGRAMS AND ACADEMIC ACHIEVEMENT RECOGNITION PROGRAMS; AND FOR OTHER PURPOSES.

**Senate Bill No. 250** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

On motion of Senator Baker, **Senate Bill No. 282** was called up for third reading and final disposition.

**SENATE BILL NO. 282**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR BAKER**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR STAGGERED PLATE RENEWALS AND PERMANENT PLATES FOR MOTOR VEHICLE DEALERS; AND FOR OTHER PURPOSES.

**Senate Bill No. 282** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

On motion of Senator Altes, **Senate Bill No. 210** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

On motion of Senator Bookout, **House Bill No. 1193** was called up for third reading and final disposition.

**HOUSE BILL NO. 1193**  
*As Engrossed: H1/27/05*  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVES BRADFORD, BRIGHT, ROEBUCK, & BORHAUER**

A Bill for an Act to be Entitled: AN ACT TO PROHIBIT THE USE OF TOBACCO PRODUCTS IN AND ON THE GROUNDS OF ALL MEDICAL FACILITIES IN ARKANSAS; AND FOR OTHER PURPOSES.

Senator Wooldridge spoke for the Bill.

**House Bill No. 1193** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, Baker, Bisbee, Bookout, Broadway, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, Lavery, Luker, Madison, Malone, Miller, Trusty, Wilkinson, Womack, Wooldridge.

Total .....26

NEGATIVE: Taylor.

Total .....1

ABSENT OR NOT VOTING: Brown, B. Johnson, T. Smith, Steele, Whitaker, Mr. President.

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

**House Bill No. 1193** was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1031** was called up for third reading and final disposition.

**HOUSE BILL NO. 1031**

*As Engrossed: H1/11/05 H1/21/05*

**EIGHTY-FIFTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: REPRESENTATIVES MAHONY, MEDLEY, PATE, ABERNATHY, BOND,  
BORHAUER, BOYD, CREEKMORE, D. EVANS, KEY, MATHIS, S. PRATER,  
ROEBUCK, SAUNDERS, L. SMITH, THOMASON, WALTERS, MACK, PETRUS,  
RAINEY, & WOOD**

**BY: SENATORS HORN, WOMACK, BAKER, BROADWAY, HIGGINBOTHOM, T.  
SMITH, SALMON, & BRYLES**

A Bill for an Act to be Entitled: AN ACT TO ALLOW DONATED PRESCRIPTION  
MEDICATIONS TO BE DISPENSED TO PATIENTS AT CHARITABLE CLINICS;  
AND FOR OTHER PURPOSES.

Senator Malone spoke for the Bill. Senator Miller spoke for the Bill.

**House Bill No. 1031** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1031 was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, House Bill No. 1199 was called up for third reading and final disposition.

HOUSE BILL NO. 1199  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES ROGERS, ROEBUCK, & COOK

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT NO PENALTIES SHALL BE ASSESSED FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES DURING A TAXPAYER'S DEPLOYMENT; AND FOR OTHER PURPOSES.

House Bill No. 1199 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1199 was ordered immediately returned to the House as passed.

On motion of Senator Faris, **House Bill No. 1323** was called up for third reading and final disposition.

**HOUSE BILL NO. 1323**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVES EDWARDS, PRITCHARD, & L. SMITH**  
**BY: SENATOR MADISON**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE OPENING, PROCESSING, CANVASSING, AND COUNTING OF ABSENTEE BALLOTS; AND FOR OTHER PURPOSES.

**House Bill No. 1323** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33  
Necessary to the passage of the bill ..... 18

So the bill passed and the title as read was agreed to.  
(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1323** was ordered immediately returned to the House as passed.

On motion of Senator Capps, **House Bill No. 1205** was called up for third reading and final disposition.

**HOUSE BILL NO. 1205**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE ROSENBAUM**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE COMMERCIAL DRIVERS THAT TRANSPORT HAZARDOUS MATERIALS TO UNDERGO A CRIMINAL BACKGROUND CHECK AND EVALUATION FROM THE TRANSPORTATION SECURITY ADMINISTRATION TO ESTABLISH THAT THE DRIVER IS NOT A SECURITY RISK; AND FOR OTHER PURPOSES.

**House Bill No. 1205** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....32

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Steele.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast .....32

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 **House Bill No. 1205**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....32

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Steele.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast.....32

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1205** was ordered immediately returned to the House as passed.

On motion of Senator Wooldridge, **House Bill No. 1104** was called up for third reading and final disposition.

**HOUSE BILL NO. 1104**  
*As Engrossed: H1/26/05 S2/9/05*  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE DICKINSON**  
**BY: SENATOR FARIS**

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

**House Bill No. 1104** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1104** was ordered immediately returned to the House as passed as amended.

On motion of Senator Bisbee, **Senate Bill No. 89** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-FIFTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 89**

Amend **Senate Bill No. 89** as originally introduced:

Page 2, line 25, delete "5,000,000      5,000,000" and substitute "6,500,000      6,500,000"

AND

Page 2, line 26, delete "\$ 5,468,560      \$ 5,478,887" and substitute "\$ 6,968,560      \$ 6,978,887"

AND

Insert an additional section immediately following Section 4 to read as follows:

" SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISTRIBUTIONS AND TRANSFERS. For any duplicate distributions or transfers erroneously made to the Arkansas Department of Aeronautics Fund established by Arkansas Code 19-6-402 during the fiscal years 1999 through 2004, shall remain in the fund there to be used for the purposes as provided by law."

AND

Appropriately renumber the sections of the bill.

(SIGNED) SENATOR DAVID BISBEE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 89** was ordered engrossed.

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

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

On motion of Senator Bisbee, the rules were suspended in considering Senate Bill No. 296 at this time.

On motion of Senator Bisbee, Senate Bill No. 296 was called up for third reading and final disposition.

SENATE BILL NO. 296  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF INFORMATION SYSTEMS FOR CAPITAL PROJECTS; AND FOR OTHER PURPOSES.

Senate Bill No. 296 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....	33
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. 296**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....	33
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NEGATIVE:

Total .....	0
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ABSENT OR NOT VOTING:

Total .....	2
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VOTING PRESENT:

Total .....	0
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Total number of votes cast.....	33
Necessary to the adoption of the Emergency Clause .....	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 296** was ordered immediately transmitted to the House.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1368** at this time.

On motion of Senator Bisbee, **House Bill No. 1368** was called up for third reading and final disposition.

**HOUSE BILL NO. 1368**  
**EIGHTY-FIFTH 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 SOIL AND WATER CONSERVATION COMMISSION; AND FOR OTHER PURPOSES.

**House Bill No. 1368** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1368**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1368** was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1371** at this time.

On motion of Senator Bisbee, **House Bill No. 1371** was called up for third reading and final disposition.

**HOUSE BILL NO. 1371**  
**EIGHTY-FIFTH 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 INFORMATION SYSTEMS; AND FOR OTHER PURPOSES.

**House Bill No. 1371** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1371**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1371** was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1388** at this time.

On motion of Senator Bisbee, **House Bill No. 1388** was called up for third reading and final disposition.

**HOUSE BILL NO. 1388**  
**EIGHTY-FIFTH 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 MILITARY DEPARTMENT; AND FOR OTHER PURPOSES.

**House Bill No. 1388** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1388**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1388** was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1389** at this time.

On motion of Senator Bisbee, **House Bill No. 1389** was called up for third reading and final disposition.

**HOUSE BILL NO. 1389**  
**EIGHTY-FIFTH 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.

**House Bill No. 1389** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1389**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1389** was ordered immediately returned to the House as passed.

On motion of Senator Bisbee, the rules were suspended in considering **House Bill No. 1405** at this time.

On motion of Senator Bisbee, **House Bill No. 1405** was called up for third reading and final disposition.

**HOUSE BILL NO. 1405**  
**EIGHTY-FIFTH 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 VETERANS' AFFAIRS; AND FOR OTHER PURPOSES.

**House Bill No. 1405** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1405**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....33

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1405** was ordered immediately returned to the House as passed.

On motion of Senator Malone, Amendment No. 1 to **Senate Bill No. 103** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 2, BY SENATOR WOMACK,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 252, BY SENATOR WOOLDRIDGE,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 252 was ordered immediately transmitted to the House.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

HOUSE BILL NO. 1033, BY REPRESENTATIVE HUTCHINSON, 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) JOHN PAUL CAPPS, CHAIRMAN

On motion of Senator Critcher, House Bill No. 1033 was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

HOUSE BILL NO. 1034, BY REPRESENTATIVE WALTERS, ET AL,  
HOUSE BILL NO. 1308, BY REPRESENTATIVE KEY,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

SENATE BILL NO. 329  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE WORKERS' COMPENSATION COMMISSION FOR VARIOUS MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, IMPROVEMENT, UPGRADE, AND REPAIR PROJECTS OF THE WORKERS' COMPENSATION COMMISSION BUILDING; AND FOR OTHER PURPOSES.

Senate Bill No. 329 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 330  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

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

Senate Bill No. 330 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 331  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE ARKANSAS CODE PERTAINING TO THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS; AND FOR OTHER PURPOSES.

**Senate Bill No. 331** 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. 332  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR FARIS  
BY: REPRESENTATIVE ADAMS

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR RURAL AND VOLUNTEER FIRE DEPARTMENTS IN HOT SPRING AND GRANT COUNTIES; AND FOR OTHER PURPOSES.

**Senate Bill No. 332** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 333  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR FARIS  
BY: REPRESENTATIVE BURRIS

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR RURAL AND VOLUNTEER FIRE DEPARTMENTS IN HOT SPRING AND GARLAND COUNTIES; AND FOR OTHER PURPOSES.

Senate Bill No. 333 was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 334  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALONE

A Bill for an Act to be Entitled: AN ACT TO CHANGE THE NINTH JUDICIAL DISTRICT-EAST FROM A DIVISION B TO A DIVISION A JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.

Senate Bill No. 334 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 89, 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. 208 was returned from the House as passed as amended.

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

Senate Bill No. 65  
Senate Bill No. 129  
Senate Bill No. 87  
Senate Bill No. 220  
Senate Bill No. 221  
Senate Bill No. 222  
Senate Bill No. 223  
Senate Bill No. 224  
Senate Bill No. 244  
Senate Bill No. 248  
Senate Bill No. 258  
Senate Bill No. 260

Senate Bill No. 262

Senate Bill No. 264

Senate Bill No. 268

Senate Bill No. 279

Senate Bill No. 280

HOUSE BILL NO. 1121

EIGHTY-FIFTH GENERAL ASSEMBLY

REGULAR SESSION

BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS TITLE INSURANCE AGENTS' LICENSING BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

House Bill No. 1121 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1420

EIGHTY-FIFTH 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 BOARD OF FINANCE FOR RURAL MEDICAL CLINICS; AND FOR OTHER PURPOSES.

House Bill No. 1420 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1429  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS BUILDING AUTHORITY FOR MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, IMPROVEMENT, UPGRADE, AND REPAIR PROJECTS; AND FOR OTHER PURPOSES.

House Bill No. 1429 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1430  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS SCIENCE AND TECHNOLOGY AUTHORITY FOR RESEARCH INFRASTRUCTURE; AND FOR OTHER PURPOSES.

House Bill No. 1430 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1431  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE WAR MEMORIAL STADIUM COMMISSION FOR MAJOR MAINTENANCE AND IMPROVEMENTS; AND FOR OTHER PURPOSES.

House Bill No. 1431 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1436  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF PARKS AND TOURISM FOR VARIOUS MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, IMPROVEMENT, UPDATE, REPAIR PROJECTS FOR PARK FACILITIES, AND DELTA HERITAGE TRAIL CONSTRUCTION; AND FOR OTHER PURPOSES.

House Bill No. 1436 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1437  
EIGHTY-FIFTH 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; AND FOR OTHER PURPOSES.

House Bill No. 1437 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1443  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE STATE MILITARY DEPARTMENT FOR MAINTENANCE, RENOVATION, EQUIPPING, CONSTRUCTION, IMPROVEMENT, UPGRADE, REPAIR PROJECTS AND STATE MATCH FOR STATE ARMORIES; AND FOR OTHER PURPOSES.

House Bill No. 1443 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1317  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES BOND & D. JOHNSON  
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO ADOPT A NEW INTERSTATE COMPACT FOR JUVENILES; TO REPEAL THE EXISTING INTERSTATE COMPACT ON JUVENILES; AND FOR OTHER PURPOSES.

House Bill No. 1317 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 1318  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WILLS

A Bill for an Act to be Entitled: AN ACT TO REPEAL PROVISIONS DESIGNATING THE DIRECTOR OF THE DEPARTMENT OF ARKANSAS STATE POLICE AS THE STATE'S AGENT FOR ACCEPTING MILITARY SURPLUS PROPERTY; AND FOR OTHER PURPOSES.

House Bill No. 1318 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. 1354  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE D. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT THE OFFENSE OF FINANCIAL IDENTITY FRAUD PERTAINS TO THE USE OF IDENTIFYING INFORMATION TO OPEN OR CREATE AN ACCOUNT OR FINANCIAL RESOURCE; AND FOR OTHER PURPOSES.

House Bill No. 1354 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 1385  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES OVERBEY, MEDLEY

A Bill for an Act to be Entitled: AN ACT TO CLARIFY PROCEDURES FOR MUNICIPAL RECORD RETENTION; AND FOR OTHER PURPOSES.

House Bill No. 1385 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILL NO. 1387  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES DAVENPORT, NORTON, GEORGE, KEY, KIDD,  
OVERBEY, & RAGLAND

BY: SENATORS LAVERTY, ALTES, & WOMACK

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE §§ 15-20-1003 AND 15-20-1104 TO REMOVE PORTIONS OF THE UPPER WHITE RIVER WATERSHED FROM NUTRIENT SURPLUS AREA DESIGNATION; AND FOR OTHER PURPOSES.

House Bill No. 1387 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

HOUSE BILL NO. 1393  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES THYER, ABERNATHY, ADAMS, ADCOCK,  
ANDERSON, BERRY, BLAIR, BLOUNT, BOLIN, BOND, BORHAUER, BOYD,  
BRIGHT, BURRIS, CHESTERFIELD, CHILDERS, CLEMONS, COOK, COOPER,  
COWLING, D. CREEKMORE, DANGEAU, DAVENPORT, DAVIS, DICKINSON,  
DOBBINS, DUNN, EDWARDS, D. EVANS, L. EVANS, EVERETT, FITE, GEORGE,  
GLIDEWELL, GOSS, R. GREEN, HARDWICK, HARDY, HARRELSON, J.  
HUTCHINSON, T. HUTCHINSON, JEFFREY, J. JOHNSON, KENNEY, KEY, KIDD,  
W. LEWELLEN, MACK, MALOCH, J. MARTIN, M. MARTIN, MATAYO, MAXWELL,  
MCDANIEL, MEDLEY, NICHOLS, NORTON, ORMOND, OVERBEY, PACE,  
PETRUS, S. PRATER, PRITCHARD, PYLE, RAGLAND, RAINEY, RANKIN, REEP,  
ROEBUCK, ROGERS, ROSENBAUM, SAMPLE, SAUNDERS, SCHULTE,  
SCROGGIN, L. SMITH, STOVALL, SULLIVAN, SUMPTER, THOMASON,  
THOMPSON, VERKAMP, WALTERS, WELLS, WILLIS, WILLS, WOOD, & WYATT

A Bill for an Act to be Entitled: AN ACT TO CREATE THE GIFT OF LIFE  
ACT THAT WILL ALLOW FOR A DEDUCTION FROM INDIVIDUAL INCOME TAX  
FOR ORGAN DONATION; AND FOR OTHER PURPOSES.

House Bill No. 1393 was read the first time, rules suspended, read the  
second time and referred to the Committee on REVENUE AND TAXATION.

ARKANSAS SENATE  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION

February 10, 2005

Mr. President:

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

SENATE BILL NO. 65, BY SENATORS J. JEFFRESS, FARIS,  
SENATE BILL NO. 129, BY SENATORS J. JEFFRESS ET AL,  
SENATE BILL NO. 87, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 220, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 221, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 222, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 223, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 224, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 244, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 248, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 258, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 260, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 262, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 264, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 268, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 279, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 280, BY JOINT BUDGET COMMITTEE

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 4:10 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 65  
SENATE BILL NO. 129  
SENATE BILL NO. 87  
SENATE BILL NO. 220  
SENATE BILL NO. 221  
SENATE BILL NO. 223  
SENATE BILL NO. 224  
SENATE BILL NO. 244  
SENATE BILL NO. 248  
SENATE BILL NO. 258  
SENATE BILL NO. 260  
SENATE BILL NO. 262  
SENATE BILL NO. 264  
SENATE BILL NO. 268  
SENATE BILL NO. 279  
SENATE BILL NO. 280

RECEIVED the above papers from the Secretary of the Senate this 10th day of  
February, 2005 at 4:10 p.m..

(SIGNED) MIKE HUCKABEE  
Governor

(SIGNED) Cory Cox  
Secretary

SENATE BILL NO. 335  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR BROADWAY

A Bill for an Act to be Entitled: AN ACT TO PREVENT THE MISAPPROPRIATION OF SOCIAL SECURITY NUMBERS; 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 STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 336  
EIGHTY-FIFTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR LUKER  
BY: REPRESENTATIVES MALOCH & BOND

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

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

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SENATE BILLS TRANSMITTED TO THE HOUSE  
AS PASSED

- SENATE BILL NO. 249
- SENATE BILL NO. 250
- SENATE BILL NO. 252
- SENATE BILL NO. 253
- SENATE BILL NO. 254
- SENATE BILL NO. 255
- SENATE BILL NO. 282
- SENATE BILL NO. 285
- SENATE BILL NO. 290
- SENATE BILL NO. 296

HOUSE BILLS RETURNED TO THE HOUSE  
AS PASSED

- HOUSE BILL NO. 1031
- HOUSE BILL NO. 1193
- HOUSE BILL NO. 1199
- HOUSE BILL NO. 1205
- HOUSE BILL NO. 1323
- HOUSE BILL NO. 1368
- HOUSE BILL NO. 1371
- HOUSE BILL NO. 1388
- HOUSE BILL NO. 1389
- HOUSE BILL NO. 1405

HOUSE BILLS RETURNED TO THE HOUSE  
AS PASSED AS AMENDED

- HOUSE BILL NO. 1104

HOUSE CONCURRENT RESOLUTION RETURNED  
TO THE HOUSE AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1003

HOUSE CONCURRENT RESOLUTION RETURNED  
TO THE HOUSE AS CONCURRED IN AS AMENDED

HOUSE CONCURRENT RESOLUTION NO. 1006

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED

- SENATE BILL NO. 65
- SENATE BILL NO. 87
- SENATE BILL NO. 129
- SENATE BILL NO. 220
- SENATE BILL NO. 221
- SENATE BILL NO. 222
- SENATE BILL NO. 223
- SENATE BILL NO. 224
- SENATE BILL NO. 244
- SENATE BILL NO. 248
- SENATE BILL NO. 258
- SENATE BILL NO. 260
- SENATE BILL NO. 262
- SENATE BILL NO. 264
- SENATE BILL NO. 268
- SENATE BILL NO. 279
- SENATE BILL NO. 280

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED AS AMENDED

- SENATE BILL NO. 208

HOUSE BILLS TRANSMITTED TO THE SENATE  
AS PASSED

- HOUSE BILL NO. 1121
- HOUSE BILL NO. 1317
- HOUSE BILL NO. 1318
- HOUSE BILL NO. 1354
- HOUSE BILL NO. 1385
- HOUSE BILL NO. 1387
- HOUSE BILL NO. 1393
- HOUSE BILL NO. 1420
- HOUSE BILL NO. 1429
- HOUSE BILL NO. 1430
- HOUSE BILL NO. 1431
- HOUSE BILL NO. 1436
- HOUSE BILL NO. 1437
- HOUSE BILL NO. 1443

On motion of Senator Hill, the Senate adjourned until 1:30 p.m., Monday, February 14, 2005.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE

