

**FIFTY-EIGHTH DAY'S PROCEEDINGS**  
**HALL OF THE HOUSE OF REPRESENTATIVES**

---



---

Little Rock, Arkansas

March 6, 2001

The House was called to order at 1:30 p.m. by Mr. Broadway, the Speaker.  
The following members answered to the roll call:

Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond,  
Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook,  
Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D.Elliott, J.Elliott, Ferguson,  
Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam,  
Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, Jeffress,  
Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus,  
Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby,  
Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon,  
Schall, Scrimshire, Scroggin, Seawel, Shoffner, M.Smith, R.Smith, M.Steele,  
T.Steele, Stovall, C.Taylor, J.Taylor, Teague, Thomas, Trammell, Verkamp, Walker,  
Weaver, White, Willis, Womack, Wood, Mr. Speaker.

Total .....99

The following member(s) was absent and did not answer to the roll call:

Bookout.

Total .....1

A quorum was present.

Unanimous leave was granted for Bookout.

The House stood and was led in prayer by House Chaplain, Dr. John E.  
Owen, Bryant, Arkansas.

The House stood and gave the Pledge of Allegiance to the Flag.

The reading of the Journal of yesterday's proceedings was dispensed with.

COMMITTEE REPORT

March 6, 2001

EDUCATION	M. OLIN COOK, CHAIRPERSON
HOUSE BILL NO. 1826	DO PASS
BY REPRESENTATIVE WHITE	
HOUSE BILL NO. 1883	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 1936	DO PASS
BY REPRESENTATIVE COOK	
HOUSE BILL NO. 1938	DO PASS
BY REPRESENTATIVE COOK	AS AMENDED #2
SENATE BILL NO. 537	DO PASS
BY SENATOR D. MALONE	

COMMITTEE REPORT

March 6, 2001

JUDICIARY	MIKE HATHORN, CHAIRPERSON
HOUSE BILL NO. 1088	DO PASS
BY REPRESENTATIVE BRIGHT	AS AMENDED #1
HOUSE BILL NO. 1330	DO PASS
BY REPRESENTATIVE BLEDSOE	
HOUSE BILL NO. 1588	DO PASS
BY REPRESENTATIVE DEES	AS AMENDED #1
HOUSE BILL NO. 1691	DO PASS
BY REPRESENTATIVE JUDY	AS AMENDED #1
HOUSE BILL NO. 1955	DO PASS
BY REPRESENTATIVE HOUSE	AS AMENDED #1
HOUSE BILL NO. 2186	DO PASS
BY REPRESENTATIVE MILLIGAN	
HOUSE BILL NO. 2225	DO PASS
BY REPRESENTATIVE HATHORN	
HOUSE BILL NO. 2233	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE BILL NO. 2234	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE BILL NO. 2259	DO PASS

COMMITTEE REPORT ON JUDICIARY, CONTINUED

BY REPRESENTATIVE MILUM	AS AMENDED #1
SENATE BILL NO. 190	DO PASS
BY SENATOR CASH	
SENATE BILL NO. 522	DO PASS
BY SENATOR HOOFFMAN	
SENATE BILL NO. 563	DO PASS
BY SENATOR FARIS	

COMMITTEE REPORT

March 6, 2001

PUBLIC HEALTH,	TRACY STEELE
WELFARE AND LABOR	CHAIRPERSON
HOUSE BILL NO. 1097	DO PASS
BY REPRESENTATIVE HUTCHINSON	AS AMENDED #2, #3
HOUSE BILL NO. 1297	DO PASS
BY REPRESENTATIVE LENDALL	NON-CONTROVERSIAL
HOUSE BILL NO. 1587	DO PASS
BY REPRESENTATIVE DEES	AS AMENDED #2
HOUSE BILL NO. 2214	DO PASS
BY REPRESENTATIVE CARSON	NON-CONTROVERSIAL
SENATE BILL NO. 339	DO PASS
BY SENATOR P. MALONE	
SENATE BILL NO. 352	DO PASS
BY SENATOR P. MALONE	
SENATE BILL NO. 438	DO PASS
BY SENATOR P. MALONE	
SENATE BILL NO. 521	DO PASS
BY SENATOR P. MALONE	NON-CONTROVERSIAL
SENATE BILL NO. 565	DO PASS
BY SENATOR P. MALONE	NON-CONTROVERSIAL

COMMITTEE REPORT

March 6, 2001

PUBLIC TRANSPORTATION

JERRY ALLISON, CHAIRPERSON

HOUSE CONCURRENT RESOLUTION NO. 1023 DO PASS

BY REPRESENTATIVE HOUSE

HOUSE BILL NO. 1447 DO PASS

BY REPRESENTATIVE JACKSON

HOUSE BILL NO. 2187 DO PASS

BY REPRESENTATIVE BORHAUER

HOUSE BILL NO. 2246 DO PASS

BY REPRESENTATIVE W. WALKER

HOUSE BILL NO. 2279 DO PASS

BY REPRESENTATIVE G. JEFFRESS

SENATE BILL NO. 289 DO PASS

BY SENATOR D. MALONE

SENATE BILL NO. 367 DO PASS

BY SENATOR WHITAKER

SENATE BILL NO. 420 DO PASS

BY SENATOR GULLETT

COMMITTEE REPORT

March 6, 2001

REVENUE AND TAXATION

LARRY TEAGUE, CHAIRPERSON

HOUSE BILL NO. 1274 DO PASS, CONCUR IN

REPRESENTATIVE BEVIS SENATE AMENDMENT #1,#2,#3

HOUSE BILL NO. 1971 DO PASS

BY REPRESENTATIVE TEAGUE AS AMENDED #1

HOUSE BILL NO. 2170 DO PASS

BY REPRESENTATIVE HUNT

HOUSE BILL NO. 2182 DO PASS

BY REPRESENTATIVE R. SMITH

HOUSE BILL NO. 2189 DO PASS

BY REPRESENTATIVE CLEVELAND

HOUSE BILL NO. 2202 DO PASS

BY REPRESENTATIVE R. SMITH

COMMITTEE REPORT ON REVENUE AND TAXATION, CONTINUED

HOUSE BILL NO. 2206	DO PASS
BY REPRESENTATIVE BOYD	
SENATE BILL NO. 338	DO PASS
BY SENATOR RIGGS	AS AMENDED #2
SENATE BILL NO. 528	DO PASS
BY SENATOR P. MALONE	
SENATE BILL NO. 581	DO PASS
BY SENATOR K. SMITH	

COMMITTEE REPORT

March 6, 2001

JOINT BUDGET	GEORGE FRENCH, CHAIRPERSON
HOUSE BILL NO. 1131	DO PASS
BY REPRESENTATIVE C. TAYLOR	AS AMENDED #1
HOUSE BILL NO. 1758	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1861	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1862	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1863	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1941	DO PASS
BY REPRESENTATIVE BORHAUER	AS AMENDED #2
HOUSE BILL NO. 1977	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1982	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 2079	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 2154	DO PASS
BY REPRESENTATIVE FERGUSON	AS AMENDED #1
SENATE BILL NO. 481	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 508	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 527	DO PASS

COMMITTEE REPORT ON JOINT BUDGET, CONTINUED

BY JOINT BUDGET COMMITTEE	AS AMENDED #1
SENATE BILL NO. 534	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 549	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 550	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 554	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 555	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 560	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 568	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 577	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 585	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 586	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 597	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 617	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 626	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 628	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 629	DO PASS
JOINT BUDGET COMMITTEE	
SENATE BILL NO. 631	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 635	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 636	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT ON JOINT BUDGET, CONTINUED

SENATE BILL NO. 637	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 645	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 650	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 651	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 652	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 660	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 661	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 662	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 663	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 664	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 665	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 668	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 680	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 702	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 703	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 718	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 719	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 728	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

March 6, 2001

ADVANCED COMMUNICATION AND INFORMATION TECHNOLOGY	JIM MAGNUS CHAIRPERSON
HOUSE BILL NO. 1624 BY REPRESENTATIVE MAGNUS	DO PASS, TO CONCUR IN SENATE AMENDMENT #1, #2
SENATE BILL NO. 159 BY SENATOR EVERETT	DO PASS

Upon motion of Representative Hunt, **HOUSE BILL NO. 1333** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1333

Amend **HOUSE BILL NO. 1333** as originally introduced:

Add Representative Rodgers as a cosponsor of the bill.

/s/ Russell Hunt

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

\*\*\*\*\* EXPUNGED\*\*\*\*\*3/07/01\*\*\*\*\*

Upon motion of Representative Creekmore, **HOUSE BILL NO. 1134** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 3 TO HOUSE BILL NO. 1134**

Amend **HOUSE BILL NO. 1134** as originally introduced:

Adding Representatives Cleveland, Magnus, Bookout, Bradford, T. Steele, Napper, and Moore

AND

Page 2, delete line 6 and substitute the following:

"adjusted and fastened seat belt whenever the school bus is so equipped.

(d) The state, county, a school district, school bus operator, or agent or employee of a school district or school bus operator, including a teacher or volunteer serving as a chaperone, shall not be liable in any action for personal injury by a school bus passenger for an injury caused solely by another passenger's use or non-use of a safety belt or restraint system in a dangerous or unsafe manner."

AND

Page 2, delete line 12 and substitute the following:

"with three-point retractable seat belts on every seat."

AND

Page 2, line 11, delete "January 1, 2002" and substitute "January 1, 2003"

AND

Page 2, delete lines 13 through 15

/s/ Mike Creekmore

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

\*\*\*\*\* EXPUNGED\*\*\*\*\*3/07/01\*\*\*\*\*

Upon motion of Representative Rodgers, **HOUSE BILL NO. 1912** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1912**

Amend **HOUSE BILL NO. 1912** as originally introduced:

Delete Section 1 and substitute the following:

“SECTION 1. Arkansas Code Title 20, Chapter 48 is amended to add the following additional subchapter:

20-48-701. Definitions.

As used in this subchapter:

(1) "Bureau" means the Identification Bureau of the Arkansas State Police;

(2) "Care" means treatment, services, assistance, education, training, instruction, or supervision for which the service provider is reimbursed either directly or by arrangement with a government agency or receives reimbursement or payment either directly or indirectly from Medicaid;

(3) "Determination" means a service provider's determination that an applicant or employee is or is not disqualified from employment based on the criminal history of the applicant or employee;

(4) "Developmentally disabled person" means persons with a disability which:

(i) Is attributable to mental retardation, cerebral palsy, epilepsy, or autism;

(ii) Is attributable to any other condition of a person found to be closely related to mental retardation because it results in an impairment of general intellectual functioning or adaptive behavior similar to those of mentally retarded persons or requires treatment and services similar to those required for mentally retarded persons; or

(iii) Is attributable to dyslexia resulting from a disability associated with mental retardation, cerebral palsy, epilepsy, or autism;

(5) "Employee" means any person who provides care to individuals with disabilities on behalf of, under the supervision of, or by arrangement with a service provider or any person employed by a service provider, including persons provided by or pursuant to contract with a private placement agency or contract staffing agency, unless the person is a family member or a volunteer or works in an administrative capacity and does not provide direct patient care;

(6) "Index" means the database of completed background checks maintained by the Bureau that have been conducted on applicants for employment with and employees of a service provider;

(7) "Service provider" means the qualified entity responsible for direct care services to developmentally disabled persons;

(8) "Licensing agency" means the government agency charged with licensing the service provider to provide care to developmentally disabled persons;

(9) "National criminal history record check" means a review of criminal history records maintained by the Federal Bureau of Investigation based on fingerprint identification or other positive identification methods;

(10) "Report" means a statement of the criminal history of an applicant or employee of the service provider issued by the Bureau;

(11) "State criminal history record check" means a review of state criminal history records conducted by the Bureau.

20-48-702. Mandatory criminal history records checks for applicants and employees of service providers.

(a)(1) When a person applies for a position as an employee of a service provider, the service provider shall require each applicant pursuant to this section to complete a criminal history record check form. Prior to employment the applicant must be fingerprinted. Such fingerprints shall be available for use by the Bureau and for transmittal to the FBI for a national criminal history record check. The information obtained from the national criminal history record check conducted pursuant to this section may be used by the service provider to determine the applicant's eligibility for employment.

(2) If the service provider intends to make an offer of employment to the applicant, the service provider shall within five (5) business days of that decision forward the criminal history record check form and the applicant's fingerprint card to the Bureau accompanied by appropriate payment and request the Bureau to review the Bureau's index of criminal history record checks on persons caring for individuals with disabilities.

(3) Within three (3) business days of the receipt of a request to review the index, the Bureau shall notify the service provider whether the index contains any criminal history records on the applicant.

(4)(A) A service provider may make an offer of temporary employment to an applicant, pending receipt of notification from the Bureau after conducting an index check.

(B) If no criminal history records regarding the applicant are found in the index, then the service provider may continue to temporarily employ the applicant while the Bureau completes a criminal history record check.

(C)(i) If a criminal history record regarding the applicant is found, then the applicant is temporarily disqualified from employment until the

licensing agency issues a determination.

(ii) If the licensing agency issues a determination that the applicant is qualified, then the service provider may employ the applicant.

(b)(1) Except as provided in subdivision (b)(2) of this section, the Bureau shall conduct a state criminal history record check and a national criminal history record check on an applicant or employee upon receiving a request from a service provider.

(2) If the service provider can verify that the applicant or employee has been employed within the State of Arkansas to provide care to individuals with disabilities within sixty (60) days before the application or request from the service provider, or has lived continuously in the State of Arkansas for the past five (5) years, the Bureau shall conduct only a state criminal history record check on the applicant or employee.

(3) If the service provider determines the need to utilize temporary employees provided by a private placement agency or other contract staffing company, it shall be the responsibility of the private placement agency or contract staffing agency to initiate the criminal background check as provided by this subchapter, before the placement of the person in the service provider's facility, and at all times the private placement agency or contract staffing agency must be able to document the pending background check or the final determination if requested by the service provider or licensing agency.

(c)(1) Upon completion of a criminal history record check on an applicant or employee, the Bureau shall issue a report to the entity making the request.

(2) The licensing agency shall determine whether the applicant or employee is disqualified from employment with the service provider and shall forward its determination to the service provider.

(3) If the licensing agency determines that an applicant or employee is disqualified from employment, then the service provider shall terminate the employment of the employee or shall deny employment to the applicant subject to the waiver provisions of § 20-48-704.

(d) Before making a temporary or permanent offer of employment, a service provider shall inform applicants and employees that continued employment is contingent upon the results of periodic criminal history record checks and that the applicant or employee has the right to obtain a copy of the report from the Bureau.

20-48-703. Evidence of records checks.

Each service provider shall maintain on file, subject to inspection by the Arkansas Crime Information Center, the Identification Bureau of the Arkansas State Police, or the licensing agency, evidence that criminal history record checks have

been initiated on all applicants and employees and a copy of each determination is received from the licensing agency.

20-48-704. Provisional licenses - Disqualification from employment - Resubmission of applications - Waiver and exceptions - Denial or revocation - Penalties.

(a) Except as provided in subsection (c) of this section:

(1) A licensing agency shall issue a determination that a person is disqualified from employment with a service provider if the person has been found guilty or plead guilty or nolo contendere to any of the offenses listed in subsection (b) of this section; and

(2) A service provider shall not knowingly employ a person who has pleaded guilty or nolo contendere to or has been found guilty of any of the offenses listed in subsection (b) of this section by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court.

(b)(1) Capital murder, as prohibited in § 5-10-101;

(2) Murder in the first degree and second degree, as prohibited in §§ 5-10-102 and 5-10-103;

(3) Manslaughter, as prohibited in § 5-10-104;

(4) Negligent homicide, as prohibited in § 5-10-105;

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

(6) False imprisonment in the first degree, as prohibited in § 5-11-103;

(7) Permanent detention or restraint, as prohibited in § 5-11-106;

(8) Robbery, as prohibited in § 5-12-102;

(9) Aggravated robbery, as prohibited in § 5-12-103;

(10) Battery in the first degree, as prohibited in § 5-13-201;

(11) Aggravated assault, as prohibited in § 5-13-204;

(12) Introduction of controlled substance into body of another person, as prohibited in § 5-13-210;

(13) Terroristic threatening in the first degree, as prohibited in § 5-13-301;

(14) Rape and carnal abuse in the first degree, second degree, and third degree, as prohibited in §§ 5-14-103 - 5-14-106;

(15) Sexual abuse in the first degree and second degree, as prohibited in §§ 5-14-108 and 5-14-109;

(16) Sexual solicitation of a child, as prohibited in § 5-14-110;

(17) Violation of a minor in the first degree and second degree, as prohibited in §§ 5-14-120 and 5-14-121;

(18) Incest, as prohibited in § 5-26-202;

(19) Offenses against the family, as prohibited in §§ 5-26-303 - 5-26-306;

(20) Endangering the welfare of incompetent person in the first degree, as prohibited in § 5-27-201;

(21) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;

(22) Permitting child abuse, as prohibited in § 5-27-221(a)(1) and (a)(3);

(23) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in § 5-27-303, § 5-27-304, § 5-27-305, § 5-27-402, and § 5-27-403;

(24) Felony adult abuse, as prohibited by § 5-28-103;

(25) Theft of property, as prohibited in § 5-36-103;

(26) Theft by receiving, as prohibited in § 5-36-106;

(27) Arson, as prohibited in § 5-38-301;

(28) Felony violation of the Uniform Controlled Substances Act, as prohibited in § 5-64-401;

(29) Burglary, as prohibited in § 5-39-201;

(30) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;

(31) Stalking, as prohibited in § 5-71-229; and

(32) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy, as prohibited in § 5-3-201, § 5-3-202, § 5-3-301, and § 5-3-401, to commit any of the offenses listed in this subsection.

(c)(1) The provisions of this section may be waived by the licensing or requesting agency upon request by the person who is the subject of the criminal history record check. Factors to be considered before granting a waiver shall include:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the adjudication of guilt;

(D) The person's subsequent work history;

(E) The person's employment references;

(F) The person's character references;

(G) The nurses aide registry records; and

(H) Any other evidence demonstrating that the person does not pose a threat to the health or safety of persons to be cared for.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following offenses may not be waived by the licensing agency:

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

(B) Murder in the first degree and second degree, as prohibited in §§ 5-10-102 and 5-10-103;

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

(D) Rape and carnal abuse in the first degree, second degree, and third degree, as prohibited in §§ 5-14-103 - 5-14-106;

(E) Sexual abuse in the first and second degree, as prohibited in §§ 5-14-108 and 5-14-109;

(F) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;

(G) Felony adult abuse, as prohibited by § 5-28-103; and

(H) Arson, as prohibited in § 5-38-301.

(3) An applicant or employee shall not be disqualified from permanent employment or providing care to an individual with a disability or both if the applicant or employee has been found guilty of or has pleaded guilty or nolo contendere to a misdemeanor if the offense did not involve exploitation of an adult, abuse of a person, neglect of a person, theft, or sexual contact.

(d) If a service provider fails or refuses to cooperate in obtaining criminal history record checks, those circumstances shall be grounds to deny or revoke the service provider's license or other operating authority.

(e) Any service provider violating this subchapter shall be guilty of a Class A misdemeanor for each violation.

20-48-705. Request for records check - Requirement.

(a) A request for a state criminal history records check on a person shall include a completed statement that:

(1) Contains the name, address, and date of birth appearing on a valid identification document issued by a government entity to the person who is the subject of the check;

(2) Indicates whether the person has been found guilty of or pled guilty or nolo contendere to a crime, and if so, includes a description of the crime and the particulars of the finding of guilt or the plea;

(3) Notifies the person that qualified entities may request reports of state criminal history record checks;

(4) Consents to disclosure of reports and determinations as provided by this subchapter;

(5) Notifies the person that prior to the completion of a state criminal history record check, the service provider may choose to deny the employee unsupervised access to a person to whom the service provider provides care;

(6) Informs the person how to object to the content of reports; and

(7) Contains the notarized signature of the person who is the subject of the check.

(b) Each request for a national criminal history record check shall conform to the requirements for a state criminal history record check and shall include a complete set of fingerprints.

20-48-706. Duties of Identification Bureau and licensing agencies.

(a) After receipt of a request for a criminal history record check, the Identification Bureau shall make reasonable efforts to respond to requests for state criminal history record checks within twenty (20) calendar days and to respond to requests for national criminal history record checks within ten (10) calendar days.

(b)(1) The Bureau shall maintain an index of the results of each employee's, or applicant's criminal history record check.

(2) The Bureau shall furnish a report to the service provider upon completion of each criminal history record check and upon request of the licensing agency.

(c) The Bureau shall develop forms to be used for criminal history record checks conducted under this subchapter.

20-48-707. Regulations - Remedies for failure to comply - Challenges to agency determinations.

(a) The Arkansas Crime Information Center, the Identification Bureau of the Arkansas State Police, and each licensing or requesting agency shall cooperate to prepare forms and promulgate consistent regulations as necessary to implement this subchapter.

(b) The licensing agency shall establish remedies to be imposed on a service provider licensed by the agency for failure to comply with this subchapter.

(c) The licensing or requesting agency shall establish a procedure for applicants and employees to challenge determinations.

(d) A person may challenge the completeness or accuracy of criminal history information pursuant to § 12-12-1013.

20-48-708. Confidentiality.

(a) All reports obtained under this subchapter are confidential and are restricted to the exclusive use of the Arkansas Crime Information Center, the

Identification Bureau of the Arkansas State Police, the licensing agency, the service provider or requesting agency, and the person who is the subject of the report.

(b) The information contained in reports shall not be released or otherwise disclosed to any other person or agency except by court order and is specifically exempt from disclosure under the Freedom of Information Act of 1967, which begins at § 25-19-101, except to the licensing agency, the service provider or requesting entity.

20-48-709. Immunity.

Individuals, the licensing agency, the service provider and a requesting entity are immune from suit or liability for damages for acts or omissions, other than malicious acts or omissions, occurring in the performance of duties imposed by this subchapter.

20-48-710. Exclusions - Licensed professionals - Completion of criminal history record check.

(a) This subchapter shall not apply to persons who render care subject to professional licenses obtained pursuant to:

(1) § 17-27-101 et seq., regarding licensed professional counselors;

(2) § 17-103-101 et seq., regarding social workers;

(3) § 17-82-101 et seq., regarding dentists;

(4) § 17-87-101 et seq., regarding nurses;

(5) § 17-88-101 et seq., regarding occupational therapists;

(6) § 17-92-101 et seq., regarding pharmacists;

(7) § 17-93-101 et seq., regarding physical therapists;

(8) § 17-95-201 et seq., regarding physicians and surgeons;

(9) § 17-96-101 et seq., regarding podiatrists;

(10) § 17-97-101 et seq., regarding psychologists and psychological examiners;

(11) § 17-100-101 et seq., regarding speech-language pathologists and audiologists; or

(12) § 20-10-401 et seq., regarding nursing home administrators.

(b)(1) The term "professional license" shall not include certification.

(2) Certified persons include certified nursing assistants and certified home health aides.

(c) Any person who submits evidence of having maintained employment in the State of Arkansas for the past twelve (12) months and of successfully completing a criminal history record check within the last twelve (12) months or in accordance with that person's professional license shall not be required to apply for a criminal history record check under this subchapter.

20-48-711. Effective date - Criminal history record checks for incumbent operators and employees.

(a) All applicants for jobs involving direct care services to developmentally disabled adults hired on and after the effective date of this subchapter, shall apply for criminal history record checks.

(b) Service providers who offer direct care services to developmentally disabled adults shall complete criminal history record checks on all employees by October 1, 2002."

/s/ Sandra Rodgers

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lewellen, **HOUSE BILL NO. 2054** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2054**

Amend **HOUSE BILL NO. 2054** as originally introduced:

Page 2, delete line 5 and substitute the following:

"within the third degree, as computed under § 28-9-212"

AND

Page 2, delete line 11 and substitute the following:

"(4) "Senior adult" means a person fifty-seven (57) years of age"

AND

Page 2, delete line 29 and substitute the following:

"(e)(1) The Director of the Department of Finance and Administration shall"

AND

Page 2, line 32, insert the following:

"(2) The Director of the Department of Finance and Administration shall promulgate rules and regulations that specifically set guidelines as to who is eligible for the tax credit.

(3) The Director of the Department of Finance and Administration may promulgate rules and regulations requiring certification of eligibility to be provided by taxpayers claiming the tax credit."

/s/ John Lewellen

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Minton unanimous leave to withdraw  
HOUSE BILL NO. 1025.

The House gave Representative Minton unanimous leave to withdraw  
HOUSE BILL NO. 1508.

The House gave Representative Teague unanimous leave to withdraw  
HOUSE BILL NO. 1343.

The House gave Representative Minton unanimous leave to withdraw  
HOUSE BILL NO. 1032.

The House gave Representative Lendall unanimous leave to withdraw  
HOUSE BILL NO. 1300.

The House gave Representative Gillespie unanimous leave to withdraw  
HOUSE BILL NO. 1221.

The House gave Representative Lendall unanimous leave to withdraw  
HOUSE BILL NO. 1294. Recommended Referral to Committee on PUBLIC  
TRANSPORTATION.

Upon motion of Representative C. Johnson, **SENATE BILL NO. 284** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 284**

Amend **SENATE BILL NO. 284** as originally introduced:

Add Senator Wilkins as a cosponsor of the bill

AND

Add Representatives C. Johnson, Bradford, Clemons, and J. Taylor as cosponsors of the bill

/s/ Calvin Johnson

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

**ENGROSSED BILL REPORTS**

---

SHANE BROADWAY, CHAIRMAN

March 6, 2001

The following bill(s) reported correctly engrossed:

**HOUSE BILL NO. 1333-TITLE-BY REPRESENTATIVE HUNT**  
**HOUSE BILL NO. 1765-TITLE-BY REPRESENTATIVE DEES**  
**HOUSE BILL NO. 1835 BY JOINT BUDGET COMMITTEE**  
**HOUSE BILL NO. 1912 BY REPRESENTATIVE RODGERS**  
**HOUSE BILL NO. 2054 BY REPRESENTATIVE LEWELLEN**  
**SENATE BILL NO. 284-TITLE- BY REPRESENTATIVE GULLETT**

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1333

---

BY: REPRESENTATIVES HUNT, *RODGERS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE 5-10-105(a) CONCERNING NEGLIGENT HOMICIDE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1765

---

BY: REPRESENTATIVES DEES, *BORHAUER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING CHILD MALTREATMENT; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED  
SENATE BILL NO. 284

---

BY: SENATORS GULLETT, *WILKINS*

BY: REPRESENTATIVES C. JOHNSON, *BRADFORD*, *CLEMONS*, *J. TAYLOR*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DESIGNATE A PORTION OF INTERSTATE 530 AS AN ARKANSAS SCENIC HIGHWAY; AND FOR OTHER PURPOSES.

HOUSE CONCURRENT RESOLUTION NO. 1041

BY: REPRESENTATIVE SALMON

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood, Mr. Speaker.

Total .....97

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, M. Smith.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast.....97

Necessary to the adoption of the Resolution.....51

So the Resolution was adopted.

HOUSE BILL NO. 1963

---

BY: REPRESENTATIVE HUNT

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, D. Elliott, J. Elliott, G. Jeffress, Parks, M. Smith, Mr. Speaker.

Total .....8

VOTING PRESENT: Ormond.

Total .....1

Total number of votes cast.....92

Necessary to the passage of the bill .....51

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

HOUSE BILL NO. 1961

---

BY: REPRESENTATIVE FILES

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....97

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bevis, Bookout, Mr. Speaker.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast .....97

Necessary to the passage of the bill .....51

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

HOUSE BILL NO. 1952

---

**BY: REPRESENTATIVE HUNT**

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....95

NEGATIVE: Pritchard.

Total .....1

ABSENT OR NOT VOTING: Bookout, Minton, Moore, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast.....96

Necessary to the passage of the bill .....51

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

Upon motion of Representative Hunt the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1952**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....	95
NEGATIVE: Pritchard.	
Total .....	1
ABSENT OR NOT VOTING: Bookout, Minton, Moore, Mr. Speaker.	
Total .....	4
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	96
Necessary to the adoption of the Emergency Clause .....	67

So the Emergency Clause was adopted.

Upon motion of Representative Hunt the Clincher motion prevailed.

HOUSE BILL NO. 1717

---

**BY: REPRESENTATIVE RODGERS**

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Duggar, Holt, T. Steele, Mr. Speaker.

Total .....5

VOTING PRESENT: Ormond.

Total .....1

Total number of votes cast.....95

Necessary to the passage of the bill .....51

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

SENATE BILL NO. 515

BY: SENATOR CASH

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....96

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Holt, Mr. Speaker.

Total .....3

VOTING PRESENT: Bradford.

Total .....1

Total number of votes cast.....97

Necessary to the passage of the bill .....51

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

SENATE BILL NO. 98

---

BY: SENATOR FARIS

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Holt, Oglesby, Verkamp, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast.....95

Necessary to the passage of the bill .....51

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

There being an Emergency Clause attached to **SENATE BILL NO. 98**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....	95
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING: Bookout, Holt, Oglesby, Verkamp, Mr. Speaker.	
Total .....	5
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	95
Necessary to the adoption of the Emergency Clause .....	67

So the Emergency Clause was adopted.

SENATE BILL NO. 306

BY: SENATOR P. MALONE

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bright, Carson, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....90

NEGATIVE: Ledbetter.

Total .....1

ABSENT OR NOT VOTING: Bookout, Bradford, Childers, Goss, Holt, Magnus, Napper, Verkamp, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Necessary to the passage of the bill .....51

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

Representative Dees moved that the record by which **AMENDMENT NO. 1 TO HOUSE BILL NO. 1765** passed be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Womack, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Haak, Pritchard, Willis, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Necessary to the adoption of the motion .....51

So the motion was adopted.

Upon motion of Representative Dees **HOUSE BILL NO. 1765** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1765**

Amend **HOUSE BILL NO. 1765** as originally introduced:

Add Representative Borhauer as a cosponsor of the bill

AND

Page 2, delete lines 29 through 35 and substitute the following:

"(ii) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ;

(iii) Injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior;"

AND

Page 3, delete lines 2 through 16 and substitute the following:

"(v) Any nonaccidental physical injury;

(vi) Any of the following intentional or knowing acts, with physical injury and without justifiable cause:

(a) Throwing, kicking, burning, biting, or cutting a child;

(b) Striking a child with a closed fist;

(c) Shaking a child; or

(d) Striking a child on the face.

(vii) Any of the following intentional or knowing acts, with or without physical injury:

(a) Striking a child age six or younger on the face;

(b) Shaking a child age three or younger; or

(c) Interfering with a child's breathing."

(B)(1) This list is illustrative of unreasonable action and is not intended to be inclusive.

(2) No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse."

AND

Page 3, delete lines 17 through 19 and substitute the following:

~~(B)~~C (i) "Abuse shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Abuse shall not include when a child suffers transient pain or minor temporary marks as the result of an appropriate restraint, if:

(a) The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act;

(b) The agency has policy and procedures regarding restraints;

(c) No other alternative exists to control the child except for a restraint;

(d) The child is in danger or hurting himself or herself or others;

(e) The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and

(f) The restraint is for a reasonable period of time."

AND

Page 7, delete line 30 and substitute the following:

"buttocks, or anus of a person or the breast of a female; provided that nothing in this section shall permit normal affectionate hugging to be construed as sexual contact."

AND

Page 8, delete lines 28 through 35.

AND

Page 11, delete line 2 and substitute the following:

"Education of the Department of Human Services, by written report ~~oral report~~ only, for"

AND

Page 13, delete lines 12 though 15 and substitute the following:

"(f)(1) The child abuse hotline shall accept a report when the allegations if true would constitute child maltreatment as defined in § 12-12-503 and as long as sufficient identifying information is provided to identify and locate the child or the family.

(2) The child abuse hotline shall accept a report of physical abuse, if any of the following intentional or knowing acts are alleged to occur, but the report shall not be determined to be true unless the child suffered an injury as the result of the act:

(A) Throwing, kicking, burning, biting, or cutting a child;

(B) Striking a child with a closed fist;

(C) Shaking a child age four or older; or

(D) Striking a child age seven or older on the face.

(3) The child abuse hotline shall accept a report of physical abuse, if any of the following intentional or knowing acts are alleged to occur:

(A) Shaking a child age three or younger;

(B) Striking a child age six or younger on the face; or

(C) Interfering with a child's breathing.

(4)(A) The child abuse hotline shall accept a report of physical abuse if a child suffers an injury as the result of a restraint.

(B) The report shall not be determined to be true if the injury is a minor temporary mark or causes transient pain and was an acceptable restraint as outlined at §12-12-503(2)(C)(i)."

AND

Page 14, delete lines 11 through 17 and substitute the following:

"SECTION 8. Arkansas Code 12-12-511(b)(2), concerning when investigations are closed, is amended to read as follows:

~~(2)(A)~~ If at any time before or during the investigation it appears that the offender is identified and is not a caretaker of the victim child, excluding investigations of sexual abuse, the department shall;

~~(i)(A)~~ Refer the matter to the appropriate law enforcement agency;

~~(ii)(B)~~ Close its investigation; and

~~(iii)(C)~~ Forward a copy of its findings to the appropriate law enforcement agency for that agency's further use in any criminal investigation.

~~(B) If the alleged offender is a juvenile, but not a caretaker, law enforcement may refer the matter to the department for investigation."~~

AND

Page 20, delete line 4 and substitute the following:

~~"(1) Any provision of the Arkansas Uniform Rules of Evidence"~~

AND

Page 20, delete lines 10 through 12 and substitute the following:

~~"regarding child abuse, sexual abuse, or neglect of a child.~~ (1)(A) No privilege shall prevent anyone from reporting child maltreatment when the information is obtained from a child.

(B) No privilege shall prevent anyone, except between a lawyer

and client or between a minister, including a Christian Science practitioner, and any person confessing to or being counseled by the minister, from testifying concerning child maltreatment when the information is obtained from a child.”

AND

Page 21, delete line 11 and 12 and substitute the following:

“protective custody as outlined in § 12-12-516 or pursuant to the Arkansas Juvenile Code.”

AND

Page 21, delete line 14 and substitute the following:

“shall be placed in a licensed or approved foster home, shelter or facility, or an exempt child welfare agency as defined at § 9-28-402(12).”

AND

Page 21, delete line 30 and substitute the following:

“outlined in § 12-12-516 or pursuant to the Arkansas”

/s/Joyce Dees

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw

Chief Clerk

SENATE BILL NO. 369

BY: SENATOR GWATNEY

Was read the third time and placed on final passage, the question being shall the Bill pass. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Bennett, Bevis, Biggs, Bledsoe, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Haak, Hathorn, Hausam, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rodgers, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....	90
NEGATIVE: Bolin, Green, Hendren, Rankin, Roebuck.	
Total .....	5
ABSENT OR NOT VOTING: Altes, Bookout, Cook, Goss, Mr. Speaker.	
Total .....	5
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	95
Necessary to the passage of the bill .....	51

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

Representative King moved that the record by which **HOUSE BILL NO. 1797** failed to pass be expunged from the record.

The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, R. Smith, M. Steele, T. Steele, Stovall, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Clemons, Goss, House, M. Smith, J. Taylor, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast .....93

Necessary to the adoption of the motion .....51

So the motion was adopted.

Motion was made by Representative King to Re-refer **HOUSE BILL NO. 1797** to the Committee on PUBLIC TRANSPORTATION.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Bright, Goss, Scrimshire, J. Taylor, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

Necessary to the adoption of the motion .....51

So the motion was adopted.

Representative Lendall moved that the record by which **HOUSE BILL NO. 1295** failed to pass be expunged from the record.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jacobs, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Prater, Pritchard, Rackley, Rodgers, Roebuck, Salmon, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....87

NEGATIVE: Jackson, Oglesby, Rankin, J. Taylor.

Total .....4

ABSENT OR NOT VOTING: Bookout, Dangeau, Goss, Holt, G. Jeffress, Parks, Schall, Mr. Speaker.

Total .....8

VOTING PRESENT: Ormond.

Total .....1

Total number of votes cast .....92

Necessary to the adoption of the motion .....51

So the motion was adopted.

Representative Lendall moved to withdraw **HOUSE BILL NO. 1295** and Re-fer to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS, for interim study.

On this motion the vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Magnus, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scrimshire, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Womack, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Duggar, Goss, Holt, Parks, Willis, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Necessary to the adoption of the motion.....51

So the motion was adopted.

HOUSE MEMORIAL RESOLUTION NO. 1003

---

BY: REPRESENTATIVE BORHAUER

IN RESPECTFUL MEMORY OF ETHEL COX.

THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY BY MORE THAN 51 VOTES.

Upon motion of Representative French, **HOUSE BILL NO. 1835** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1835

Amend **HOUSE BILL NO. 1835** as originally introduced:

Page 12, line 16, delete language in its entirety

AND

Page 12, line 20, delete "Applications for" and insert "~~Applications for~~ A plan for providing"

AND

Page 12, line 21, delete the period at the end of the sentence and insert "and receive advice of the Legislative Council each year."

AND

Insert an additional section immediately following Section 21 to read as follows:

"SECTION 22. SPECIAL LANGUAGE NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD - COMMERCIAL DRIVERS LICENSE PROGRAM. The unexpended balances in the appropriations provided in Item (04) of Section 5 remaining on June 30, 2002, may be carried forward and used for the same purpose during the fiscal year ending June 30, 2003. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

And appropriately renumber the subsequent sections.

/s/ George French

The Amendment was read and adopted by more than 51 votes.

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative French the rules were suspended.  
 Considered in the Committee of the Whole. Returned with the recommendation that  
 it "DO PASS".

HOUSE BILL NO. 1484

---

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall  
 the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe,  
 Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook,  
 Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson,  
 Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam,  
 Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G.  
 Jeffress, C. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Lowery, Mack,  
 Mathis, McMellon, Milligan, Milum, Minton, Moore, Nichols, Oglesby, Ormond,  
 Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall,  
 Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J.  
 Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White,  
 Willis, Womack, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, Judy, Magnus, Napper,  
 Scrimshire, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Necessary to the passage of the bill .....75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1484**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, Judy, Magnus, Napper, Scrimshire, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast .....93

Necessary to the adoption of the Emergency Clause .....67

So the Emergency Clause was adopted.

Upon motion of Representative French the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1864

---

BY: JOINT BUDGET COMMITTEE

Was read the third time and placed on final passage, the question being shall the Bill pass and shall the Emergency Clause be adopted. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, Judy, Magnus, Scrimshire, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

Necessary to the passage of the bill .....75

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1864**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Allison, Altes, Bennett, Bevis, Biggs, Bledsoe, Bolin, Bond, Boyd, Bradford, Bright, Carson, Childers, Clemons, Cleveland, Cook, Cowling, Creekmore, Dangeau, Dees, Duggar, Eason, D. Elliott, J. Elliott, Ferguson, Files, Fite, French, Gillespie, Gipson, Glover, Goss, Green, Haak, Hathorn, Hausam, Hendren, Hickinbotham, Holt, House, Hunt, Hutchinson, Jackson, Jacobs, G. Jeffress, C. Johnson, Jones, King, Ledbetter, Lendall, Lewellen, Lowery, Mack, Mathis, McMellon, Milligan, Milum, Minton, Moore, Napper, Nichols, Oglesby, Ormond, Parks, Prater, Pritchard, Rackley, Rankin, Rodgers, Roebuck, Salmon, Schall, Scroggin, Seawel, Shoffner, M. Smith, R. Smith, M. Steele, T. Steele, Stovall, J. Taylor, C. Taylor, Teague, Thomas, Trammell, Verkamp, W. Walker, Weaver, White, Willis, Womack, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bookout, Borhauer, Judy, Magnus, Scrimshire, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Necessary to the adoption of the Emergency Clause .....67

So the Emergency Clause was adopted.

Morning Hour Expired.

**HOUSE BILL NO. 2413** was Re-referred from the Committee on REVENUE AND TAXATION and reassigned to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

---

HOUSE BILL NO. 1484 BY JOINT BUDGET COMMITTEE  
 HOUSE BILL NO. 1717 BY REPRESENTATIVE RODGERS  
 HOUSE BILL NO. 1864 BY JOINT BUDGET COMMITTEE  
 HOUSE BILL NO. 1952 BY REPRESENTATIVE HUNT  
 HOUSE BILL NO. 1961 BY REPRESENTATIVE FILES  
 HOUSE BILL NO. 2172 BY REPRESENTATIVE JONES

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND  
 ORDERED TRANSMITTED TO THE SENATE

---

HOUSE CONCURRENT RESOLUTION NO. 1041  
 BY REPRESENTATIVE SALMON

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

---

SENATE BILL NO. 98 BY SENATOR FARIS  
 SENATE BILL NO. 306 BY SENATOR P. MALONE  
 SENATE BILL NO. 338 BY SENATOR RIGGS, AS AMENDED  
 SENATE BILL NO. 354 BY SENATOR J. JEFFRESS  
 SENATE BILL NO. 369 BY SENATOR GWATNEY  
 SENATE BILL NO. 502 BY SENATOR HORN  
 SENATE BILL NO. 515 BY SENATOR CASH

ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

---

HOUSE BILL NO. 1021 BY REPRESENTATIVE BLEDSOE  
 HOUSE BILL NO. 1360 BY REPRESENTATIVE HUTCHINSON  
 HOUSE BILL NO. 1530 BY REPRESENTATIVE GREEN, AS AMENDED  
 HOUSE BILL NO. 1714 BY REPRESENTATIVE BEVIS

ARKANSAS SENATE  
SENATE BILLS RECEIVED FROM SENATE

---

SENATE BILL NO. 245 BY SENATOR MAHONY  
SENATE BILL NO. 309 BY SENATOR HILL  
SENATE BILL NO. 383 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 500 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 542 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 646 BY SENATOR WOOLDRIDGE

ARKANSAS SENATE  
HOUSE CONCURRENT RESOLUTIONS CONCURRED IN  
AND RETURNED TO THE HOUSE

---

HOUSE CONCURRENT RESOLUTION NO. 1010, AS AMENDED  
BY REPRESENTATIVE SALMON  
HOUSE CONCURRENT RESOLUTION NO. 1016  
BY REPRESENTATIVE BLEDSOE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

---

Little Rock, Arkansas

March 6, 2001

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 1109 BY REPRESENTATIVE FRENCH, ET AL  
 HOUSE BILL NO. 1449 BY REPRESENTATIVE JACKSON, ET AL  
 HOUSE BILL NO. 1503 BY REPRESENTATIVE HOUSE, ET.AL  
 HOUSE BILL NO. 1802 BY REPRESENTATIVE CHILDERS  
 HOUSE CONCURRENT RESOLUTION NO. 1017  
 BY REPRESENTATIVE MILUM, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:30 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Shane Broadway  
 Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1109 BY REPRESENTATIVE FRENCH, ET AL  
 HOUSE BILL NO. 1449 BY REPRESENTATIVE JACKSON, ET AL  
 HOUSE BILL NO. 1503 BY REPRESENTATIVE HOUSE, ET AL  
 HOUSE BILL NO. 1802 BY REPRESENTATIVE CHILDERS  
 HOUSE CONCURRENT RESOLUTION NO. 1017  
 BY REPRESENTATIVE MILUM, ET AL

/s/ Mike Huckabee - Governor

TIME: 11:30 a.m.

By: Barb Meyer

STATE OF ARKANSAS  
OFFICE OF THE GOVERNOR

---

Little Rock, Arkansas

March 5, 2001

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on March 5, 2001, I approved the following measures from the Session of the Eighty-third General Assembly:

House Bill 1153, which is now Act 546 of 2001  
House Bill 1226, which is now Act 547 of 2001,  
House Bill 1516, which is now Act 548 of 2001,  
House Bill 1674, which is now Act 549 of 2001,  
House Bill 1763, which is now Act 550 of 2001,  
House Bill 1774, which is now Act 551 of 2001,  
House Bill 1784, which is now Act 552 of 2001,  
House Bill 1791, which is now Act 553 of 2001,  
House Bill 1900, which is now Act 554 of 2001,  
House Bill 1902, which is now Act 555 of 2001,  
House Bill 1903, which is now Act 556 of 2001,  
House Bill 1979, which is now Act 557 of 2001, and  
House Bill 1981, which is now Act 558 of 2001.

Sincerely,

/s/ Mike Huckabee

MH:bbm

cc: President of the Senate

STATE OF ARKANSAS  
OFFICE OF THE GOVERNOR

---

Little Rock, Arkansas

March 5, 2001

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on March 5, 2001, I approved the following measures from the Session of the Eighty-third General Assembly:

House Concurrent Resolution 1014,  
House Bill 1086, which is now Act 560 of 2001,  
House Bill 1141, which is now Act 561 of 2001,  
House Bill 1175, which is now Act 562 of 2001,  
House Bill 1338, which is now Act 563 of 2001,  
House Bill 1349, which is now Act 564 of 2001,  
House Bill 1457, which is now Act 565 of 2001,  
House Bill 1474, which is now Act 566 of 2001,  
House Bill 1504, which is now Act 567 of 2001, and  
House Bill 1533, which is now Act 568 of 2001.

Sincerely,

/s/ Mike Huckabee

MH:bbm

cc: President of the Senate

STATE OF ARKANSAS  
OFFICE OF THE GOVERNOR

---

Little Rock, Arkansas

March 6, 2001

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on March 6, 2001, I approved the following measures from the Session of the Eighty-third General Assembly:

House Bill 1176, which is now Act 579 of 2001,  
House Bill 1456, which is now Act 580 of 2001,  
House Bill 1501, which is now Act 581 of 2001,  
House Bill 1607, which is now Act 582 of 2001, and  
House Bill 1741, which is now Act 583 of 2001.

Sincerely,

/s/ Mike Huckabee

MH:bbm

cc: President of the Senate

**SENATE BILL NO. 245**

---

**BY: SENATOR MAHONY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE BONUS FOR TEACHERS OBTAINING THE NATIONAL BOARD PROFESSIONAL TEACHING CERTIFICATION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

**SENATE BILL NO. 309**

---

**BY: SENATOR HILL****BY: REPRESENTATIVE TEAGUE**

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ADOPT THE MOBILE TELECOMMUNICATIONS SOURCING ACT; TO PROVIDE THAT LONG DISTANCE MESSAGES WHICH ORIGINATE AND TERMINATE OUTSIDE THIS STATE MADE BY MOBILE TELECOMMUNICATIONS SERVICES ARE SUBJECT TO GROSS RECEIPTS TAX TO THE EXTENT ALLOWED BY THE MOBILE TELECOMMUNICATIONS SOURCING ACT; AND FOR OTHER PURPOSES.*

Was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE AND TAXATION.

**SENATE BILL NO. 383**

---

**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 DEPARTMENT OF EDUCATION - ARKANSAS SCHOOL FOR MATHEMATICS AND SCIENCES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 500

---

**BY: JOINT BUDGET COMMITTEE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER FOR EXPENSES OF A STUDY OF ARKANSAS' ECONOMIC INCENTIVE AND BUSINESS DEVELOPMENT PROGRAMS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 646

---

**BY: SENATOR WOOLDRIDGE**

**BY: REPRESENTATIVE FERGUSON**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS ENTERPRISE ZONE ACT OF 1993 TO REDEFINE "DISTRIBUTION CENTER", TO REDEFINE "HIGH UNEMPLOYMENT", TO REDUCE THE NUMBER OF REQUIRED JOBS FOR COMPUTER RELATED BUSINESSES, TO PROVIDE FOR DISLOCATED WORKER BENEFITS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

Upon motion of Representative Cook, the House adjourned at 4:19 p.m. until 1:30 p.m. Wednesday, March 7, 2001.

ATTEST:

---

Shane Broadway  
Speaker of the House of Representatives

---

Jo Renshaw  
Chief Clerk