

**SIXTY-FIFTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
March 13, 2007

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

Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by Reverend Ken Davenport, Park Hill Baptist Church, North Little Rock, 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 13, 2007
EDUCATION	MIKE KENNEY
	CHAIRPERSON
HOUSE BILL NO. 1039	DO PASS, TO CONCUR
BY REPRESENTATIVE WELLS	IN SENATE AMENDMENT #1
HOUSE BILL NO. 1346	DO PASS
BY REPRESENTATIVE STEWART	
HOUSE BILL NO. 1477	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 2222	DO PASS
BY REPRESENTATIVE HARDWICK	
HOUSE BILL NO. 2223	DO PASS
BY REPRESENTATIVE HARDWICK	
HOUSE BILL NO. 2234	DO PASS
BY REPRESENTATIVE NORTON	
HOUSE BILL NO. 2251	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE BILL NO. 2252	DO PASS
BY REPRESENTATIVE MAXWELL	
HOUSE BILL NO. 2327	DO PASS
BY REPRESENTATIVE BLOUNT	
HOUSE BILL NO. 2336	DO PASS
BY REPRESENTATIVE D. HUTCHINSON	
HOUSE BILL NO. 2470	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE BILL NO. 2556	DO PASS
BY REPRESENTATIVE CHESTERFIELD	

COMMITTEE REPORT

	March 13, 2007
EDUCATION	BILL ABERNATHY VICE-CHAIRPERSON
SENATE BILL NO. 652 BY SENATOR BISBEE	DO PASS
SENATE BILL NO. 655 BY SENATOR BISBEE	DO PASS
SENATE BILL NO. 659 BY SENATOR BISBEE	DO PASS

COMMITTEE REPORT

	March 13, 2007
JUDICIARY	ROBERT N. JEFFREY CHAIRPERSON
HOUSE BILL NO. 1624 BY REPRESENTATIVE D. JOHNSON	DO PASS
HOUSE BILL NO. 2296 BY REPRESENTATIVE PATE	DO PASS AS AMENDED #1
HOUSE BILL NO. 2581 BY REPRESENTATIVE T. BRADFORD	DO PASS
HOUSE BILL NO. 2731 BY REPRESENTATIVE MEDLEY	DO PASS AS AMENDED #1
HOUSE BILL NO. 2733 BY REPRESENTATIVE MEDLEY	DO PASS AS AMENDED #2
SENATE BILL NO. 206 BY SENATOR G. JEFFRESS	DO PASS AS AMENDED #1
SENATE BILL NO. 857 BY SENATOR LUKER	DO PASS
SENATE BILL NO. 905 BY SENATOR R. THOMPSON	DO PASS
SENATE BILL NO. 906 BY BY SENATOR R. THOMPSON	DO PASS

COMMITTEE REPORT

	March 13, 2007
PUBLIC HEALTH, WELFARE AND LABOR	EDDIE COOPER CHAIRPERSON
HOUSE BILL NO. 1132 BY REPRESENTATIVE S. PRATER	DO PASS
HOUSE BILL NO. 2374 BY REPRESENTATIVE ROGERS	DO PASS
HOUSE BILL NO. 2411 BY REPRESENTATIVE ADCOCK	DO PASS
HOUSE BILL NO. 2416 BY REPRESENTATIVE WOODS	DO PASS AS AMENDED #1
HOUSE BILL NO. 2417 BY REPRESENTATIVE PATTERSON	DO PASS AS AMENDED #1
HOUSE BILL NO. 2463 BY REPRESENTATIVE J. JOHNSON	DO PASS
HOUSE BILL NO. 2701 BY REPRESENTATIVE NORTON	DO PASS
SENATE BILL NO. 296 BY SENATOR WILKINS	DO PASS
SENATE BILL NO. 404 BY SENATOR BOOKOUT	DO PASS
SENATE BILL NO. 680 BY SENATOR STEELE	DO PASS

COMMITTEE REPORT

	March 13, 2007
PUBLIC TRANSPORTATION	ROBBIE WILLS
	CHAIRPERSON
HOUSE BILL NO. 2345	DO PASS
BY REPRESENTATIVE WILLS	AS AMENDED #2 (JSE387)
HOUSE BILL NO. 2386	DO PASS
BY REPRESENTATIVE REEP	
HOUSE BILL NO. 2427	DO PASS
BY REPRESENTATIVE ABERNATHY	
HOUSE BILL NO. 2430	DO PASS
BY REPRESENTATIVE ABERNATHY	
HOUSE BILL NO. 2431	DO PASS
BY REPRESENTATIVE ABERNATHY	
HOUSE BILL NO. 2511	DO PASS
BY REPRESENTATIVE WYATT	
HOUSE BILL NO. 2590	DO PASS
BY REPRESENTATIVE WILLS	AS AMENDED #2 (JSE412)
SENATE BILL NO. 967	DO PASS
BY SENATOR ALTES	

COMMITTEE REPORT

	March 13, 2007
REVENUE AND TAXATION	KEVEN ANDERSON
	CHAIRPERSON
HOUSE BILL NO. 2278	DO PASS
BY REPRESENTATIVE MOORE	AS AMENDED #2
HOUSE BILL NO. 2552	DO PASS
BY REPRESENTATIVE D. JOHNSON	

COMMITTEE REPORT

	March 13, 2007
JOINT BUDGET	CHRIS THYER CHAIRPERSON
HOUSE BILL NO. 1124	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1152	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1166	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1167	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1169	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1170	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1171	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1192	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1193	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1326	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1329	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1348	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1390	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1391	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1398	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1593	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT, CONTINUED

HOUSE BILL NO. 1594	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1596	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1598	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1599	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1600	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1601	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1602	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1603	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1605	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1606	DO PASS
BY JOINT BUDGET COMMITTEE	
HOUSE BILL NO. 1773	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

	March 13, 2007
RULES	DAVID DUNN
	CHAIRPERSON
HOUSE BILL NO. 1104	DO PASS, TO CONCUR IN
BY REPRESENTATIVE THYER	SENATE AMENDMENT #1
HOUSE BILL NO. 1426	DO PASS, TO CONCUR IN
BY REPRESENTATIVE WALTERS	SENATE AMENDMENTS #1,2,3,& 4
HOUSE BILL NO. 1500	DO PASS
BY REPRESENTATIVE W. LEWELLEN	

COMMITTEE REPORT CONTINUED

HOUSE BILL NO. 2384	DO PASS
BY REPRESENTATIVE PETRUS	
HOUSE BILL NO. 2433	DO PASS
BY REPRESENTATIVE MALOCH	AS AMENDED #1
HOUSE BILL NO. 2723	DO PASS
BY REPRESENTATIVE PETRUS	AS AMENDED #1
HOUSE BILL NO. 2724	DO PASS
BY REPRESENTATIVE PETRUS	AS AMENDED #1
HOUSE BILL NO. 2726	DO PASS
BY REPRESENTATIVE PETRUS	AS AMENDED #1
HOUSE BILL NO. 2727	DO PASS
BY REPRESENTATIVE PETRUS	AS AMENDED #1
HOUSE BILL NO. 2729	DO PASS
BY REPRESENTATIVE PETRUS	AS AMENDED #1

Upon motion of Representative Cook, **HOUSE BILL NO. 2672** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2672

Amend **HOUSE BILL NO. 2672** as engrossed,

H3/8/07 (version: 03-08-2007 08:54):

Page 2, delete line 11 and substitute the following:

"professional development credit as approved by the Department of Education."

/s/ David Cook

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hoyt, **HOUSE BILL NO. 2390** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2390

Amend **HOUSE BILL NO. 2390** as originally introduced:

Page 2, delete lines 28 through 34, and substitute the following:

"(A) Two (2) members who are actively and principally engaged in dairy farming in this state;"

AND

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

"(D) One (1) member who is an Arkansas retailer."

AND

Page 3, delete line 12 and substitute the following:

"(c) Members of the board shall draw lots to determine the length of the initial term."

(d)(1) Not less than thirty (30) calendar days prior to the expiration"

AND

Page 3, line 14, delete "the organizations" and substitute "interested parties"

AND

Page 3, line 15, delete "its"

AND

Page 3, delete line 29, and substitute the following:

"(e) Upon a vacancy of a member of the board, the Governor shall make a new appointment within thirty (30) days."

(f) Members of the board shall organize immediately after their"

AND

Page 3, delete line 33, and substitute the following:

"(g)(1) Meetings of the board shall be called by the chair or by four (4)"

AND

Page 3, line 34, delete "(3)"

AND

Page 3, line 35, delete "Three (3)" and substitute "Four (4)"

AND

Page 4, line 1, delete "(f)" and substitute "(h)"

AND

Page 4, line 5, delete "(g)" and substitute "(i)"

AND

Page 4, line 21, delete ", the Farm Bureau of"

AND

Page 4, delete lines 22 and 23, and substitute the following:

"and any other"

/s/ John Hoyt

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Breedlove, **HOUSE BILL NO. 2743** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2743

Amend **HOUSE BILL NO. 2743** as engrossed,

H3/7/07 (version: 03-07-2007 09:05):

Page 1, line 5 delete "Cornwell"

AND

Page 2 delete lines 12 and 13 and substitute the following:

"particular tract of land; and"

AND

Page 3, delete line 8 and substitute the following:

"activities for the duration of the operation."

/s/ Steve Breedlove

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative S. Dobbins, **HOUSE BILL NO. 2212** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2212

Amend **HOUSE BILL NO. 2212** as engrossed,

H3/8/07 (version: 03-08-2007 09:25):

Page 3, line 20, delete "grandchild" and substitute "grandchild; and"

Page 3, delete lines 21 through 29

AND

Page 3, line 30 delete "(D)" and substitute "(C)"

AND

Page 4, delete line 10 and substitute the following:

"based solely on the availability of federal Temporary Assistance to Needy Families"

/s/ Sharon Dobbins

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative S. Dobbins, **HOUSE BILL NO. 2464** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2464

Amend **HOUSE BILL NO. 2464** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 15 is amended to add an additional section to read as follows:

12-12-1514. Background checks for employment purposes.

(a) As used in this section, "employment purposes" means an employer's evaluation of information to determine the suitability of an applicant or employee for employment or continued employment.

(b) Unless the background check complies with the standards required by this subchapter:

(1) A public or private employer shall not request or use a background

check for employment purposes; and

(2) A person or an entity shall not provide a background check for employment purposes.

(c) A violation of this section is a Class A misdemeanor."

/s/ Sharon Dobbins

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1783** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1783

Amend **HOUSE BILL NO. 1783** as originally introduced:

Page 1, delete lines 27 and 28 and substitute the following:

"(2) ~~Two (2) members~~ One (1) member appointed by the Lieutenant Governor;"

AND

Page 1, delete lines 34 through 36

AND

Page 2, delete lines 1 through 4 and substitute the following:

"(5) Two (2) members appointed by the President Pro Tempore of the Senate;

(6) Two (2) members appointed by the Speaker of the House of Representatives;

(7) Three (3) members appointed by the Vice President for"

AND

Page 2, line 7, delete "~~(8)(7)~~" and substitute "(8)"

AND

Page 2, line 9, delete "~~(9)(8)~~" and substitute "(9)"

AND

Page 2, line 11, delete "~~(10)(9)~~" and substitute "(10)"

AND

Page 2, delete lines 12 through 15 and substitute the following:

"Plant Board; and

~~(11) One (1) member appointed by the State Forester; and~~

~~(12) One (1) member appointed by the Director of the Department of Economic Development~~

(11) Two (2) members appointed by the Secretary of the Arkansas Agriculture Department."

/s/ Bryan King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 2298** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2298

Amend **HOUSE BILL NO. 2298** as originally introduced:

Page 1, delete line 27 and substitute the following:

"within a the Upper White River Basin within the nutrient surplus area shall be done in accordance with a nutrient"

AND

Page 2, line 3, delete "2008" and substitute "2007"

/s/ Bryan King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Wills, **HOUSE BILL NO. 2627** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2627

Amend **HOUSE BILL NO. 2627** as originally introduced:

Page 3, delete lines 26 and 27 and substitute the following:

"(2) Shall impose a fine of no less than five hundred dollars (\$500)."

/s/ Robbie Wills

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wills, **HOUSE BILL NO. 1631** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1631

Amend **HOUSE BILL NO. 1631** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 18-44-117 is amended to read as follows:

18-44-117. Filing of lien account - Abstract.

(a)(1) It shall be the duty of every person who wishes to avail himself or herself of the provisions of this subchapter to file ~~a just and true account of the demand due or owing to him or her after allowing all credits~~, with the clerk of the circuit court of the county in which the building, erection, or other improvement to be charged with the lien is situated and within one hundred twenty (120) days after the things specified in this subchapter shall have been furnished or the work or labor done or performed:

(A) A just and true account of the demand due or owing to him or her after allowing all credits; and

(B) An affidavit of notice attached to the lien account.

(2) The lien account shall contain a correct description of the property to be charged with the lien, verified by affidavit.

(3) The affidavit of notice shall contain:

(A) A sworn statement evidencing compliance with the notice provisions of §§ 18-44-114 — 18-44-116; and

(B) A copy of each notice given under §§ 18-44-114 — 18-44-116.

(b)(1)(A) It shall be the duty of the clerk of the circuit court to endorse upon every account the date of its filing and to make an abstract of the account in a book kept by him or her for that purpose, properly indexed.

(B) This abstract shall contain:

(i) The date of the filing;

(ii) The name of the person laying or imposing the lien;

(iii) The amount of the lien;

(iv) The name of the person against whose property the lien is filed; and

(v) A description of the property to be charged with the lien.

(2) For this service, the clerk shall receive the sum of three dollars (\$3.00) from the person laying or imposing the lien, which shall be taxed and collected as other costs in case there is suit on the lien.

(3) The clerk shall refuse to file a lien account that does not contain the affidavits and attachments required by this section."

/s/ Robbie Wills

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Edwards, **HOUSE BILL NO. 2321** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2321

Amend **HOUSE BILL NO. 2321** as originally introduced:

Page 1, line 23, delete "board of election commissioners" and substitute "~~board of election commissioners~~"

/s/ Marilyn Edwards

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 2325** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2325

Amend **HOUSE BILL NO. 2325** as originally introduced:

Page 5, delete line 22 and substitute:

"2008.

6-61-1312. Implementation Date.

This program shall be implemented on July 1, 2009."

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative S. Dobbins, **HOUSE BILL NO. 2399** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2399

Amend **HOUSE BILL NO. 2399** as engrossed,

H3/9/07 (version: 03-09-2007 08:52):

Page 2, line 4, delete "shall" and substitute "may"

/s/ Sharon Dobbins

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Harrelson, **HOUSE BILL NO. 2811** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2811

Amend **HOUSE BILL NO. 2811** as originally introduced:

Page 1, delete line 11, and substitute the following:

"RECORDS; TO AMEND ARKANSAS CODE § 16-46-301, § 16-46-302, § 16-46-305, AND § 16-46-308 TO INCLUDE MEDICAL RECORDS FROM PHYSICIAN OFFICES AS SELF-AUTHENTICATING UNDER THE HOSPITAL RECORDS ACT, § 16-46-301 ET SEQ.; TO PROVIDE A REASONABLE FEE FOR COPYING MEDICAL RECORDS; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 14 through 16, and substitute the following:

"TO INCLUDE MEDICAL RECORDS FROM PHYSICIAN OFFICES AS SELF-AUTHENTICATING UNDER THE HOSPITAL RECORDS ACT AND TO PROVIDE A REASONABLE FEE FOR COPYING MEDICAL RECORDS."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 16-46-106(a), concerning the cost of medical records in contemplation of, preparation for, or use in any legal proceeding, is amended to read as follows:

(a)(1) In contemplation of, preparation for, or use in any legal proceeding, any person who is or has been a patient of a doctor, hospital, ambulance provider, medical health care provider, or other medical institution shall be entitled to obtain access, personally or by and through his or her attorney, to the information in his or her medical records, upon request and with written patient authorization, and shall be furnished copies of all medical records pertaining to his or her case upon the tender of the expense of such copy or copies.

(2) Cost of each photocopy, excluding X rays, shall not exceed ~~one dollar (\$1.00)~~ fifty cents (.50) per page for the first ~~five (5)~~ twenty-five (25) pages and twenty-five cents (.25) for each additional page, ~~except that the minimum charge shall be five dollars (\$5.00).~~ A labor charge not exceeding fifteen dollars (\$15.00) may be added for each request for medical records under subdivision (a)(1) of this section and the actual cost of any required postage may also be charged.

(3) Provided, however, in the alternative to the labor charge described in subdivision (a)(2) of this section, a reasonable retrieval fee for stored records of a hospital, a physician's office, or an ambulance provider may be added to the photocopy charges, only if the requested records are stored at a location other than the location of the hospital, physician's office, or ambulance provider.

(4) Provided, further, this section shall not prohibit reasonable fees for narrative medical reports or medical review when performed by the ~~doctor~~ physician or medical institution subject to the request, but only if a narrative medical report or medical review is requested by the person or entity requesting the records.

SECTION 2. Arkansas Code § 16-46-301 is amended to read as follows:

16-46-301. Definitions.

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

(1) "Custodian" means the medical records librarian and the administrator or other chief officer of a duly licensed hospital, physician's office, or comprehensive community mental health center in this state and its proprietor, as well as his or her deputies and assistants, and any other persons who are official custodians or depositories of records; and

(2)(A) "Records" means hospital records, physician's records, or medical records and includes an admitting form, discharge summary, history and physical, progress notes, physicians' orders, reports of operations, recovery room records, lab reports, consultation reports, medication records, nurses' notes, and other reports catalogued and maintained by the hospital's medical record department or by a physician's office.

(B) However, "records" shall not mean and include X rays, electrocardiograms, and similar graphic matter.

SECTION 3. Arkansas Code § 16-46-302 is amended to read as follows:

16-46-302. Furnishing copies of records in compliance with subpoenas.

Except as hereinafter provided, when a subpoena duces tecum is served upon a custodian of records of any hospital or physician's office duly licensed under the laws of this state in an action or proceeding in which the hospital or physician's office is neither a party nor the place where any cause of action is alleged to have arisen and such a subpoena requires the production of all or any part of the records of the hospital or physician's office related to the care or treatment of a patient in the hospital or physician's office, then it shall be sufficient compliance therewith if the custodian delivers, by hand or by registered mail to the court clerk or the officer, court reporter, body, or tribunal issuing the subpoena or conducting the hearing, a true and correct copy of all records described in the subpoena together with the affidavit described in § 16-46-305. However, a subpoena duces tecum for records shall not be deemed to include X rays, electrocardiograms, and similar graphic matter unless they are specifically referred to in the subpoena.

SECTION 4. Arkansas Code § 16-46-305 is amended to read as follows:

16-46-305. Affidavit of custodian as to copies - Charges.

(a) The records shall be accompanied by an affidavit of a custodian stating in substance:

(1) That the affiant is the duly authorized custodian of the records and has authority to certify the records;

(2) That the copy is a true copy of all the records described in the subpoena; and

(3) That the records were prepared by personnel of the hospital, staff physicians, or persons acting under the control of either, or the physician, personnel of the physician's office, or persons acting under control of the physician, in the ordinary course of the hospital's or physician's office business at or near the time of the act, condition, or event reported therein.

(b) If the hospital or physician's office has none of the records described, or only part of them, the custodian shall state so in the affidavit and file the affidavit and any records as are available in the manner described in §§ 16-46-302 and 16-46-303.

(c) The custodian of the records may enclose a statement of costs for copying the records, and the costs of copying the records shall be borne by the party requesting the subpoena duces tecum for the records.

SECTION 5. Arkansas Code § 16-46-308 is amended to read as follows:

16-46-308. Substitution of copies for original records.

In view of the property right of the hospital or physician's office in its records, original records may be withdrawn after introduction into evidence and copies substituted unless otherwise directed by the court, judge, officer, body, or tribunal conducting the hearing. The custodian may prepare copies of original records in advance of testifying for the purpose of making substitution of the original record, and the reasonable charges for making the copies shall be borne by the party requesting the subpoena. If copies are not prepared in advance, they can be made and substituted at any time after introduction of the original record, and the reasonable charges for making the copies shall be borne by the party requesting the subpoena."

/s/ Steve Harrelson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Stewart, **HOUSE BILL NO. 2783** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2783

Amend **HOUSE BILL NO. 2783** as originally introduced:

Page 1, delete line 27 and substitute the following:

"placement as a teacher on the school district's teacher salary schedule;"

/s/ Randy Stewart

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 2233** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2233

Amend **HOUSE BILL NO. 2233** as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 25-38-203 is amended to read as follows:

25-38-203. Arkansas Agriculture Department — Powers and duties.

The Arkansas Agriculture Department shall:

(1) Administer the departments, institutions, other agencies, or parts of departments, institutions, or other agencies transferred to the department under §§ 25-38-204 and 25-38-205;

(2) Coordinate all existing programs and create any new programs that will enhance the marketing of the state's agricultural products to intrastate, national, and international markets;

(3) Establish a clearinghouse for collecting, correlating, analyzing, and interpreting marketing and educational information and data concerning needs of and resources for agriculture, aquaculture, horticulture, forestry, and kindred industries;

(4) Develop a Web site devoted to marketing and education concerning agriculture, aquaculture, horticulture, forestry, and kindred industries, including a distinctive logo publicizing products as "Grown in Arkansas";

(5) Encourage the organization of neighborhood and county agricultural clubs and associations;

(6) Coordinate the various activities of the department with those of the federal government and other states on matters pertaining to agriculture, aquaculture, horticulture, forestry, and kindred industries and enter into agreements for that purpose;

(7) Coordinate with existing programs concerning agriculture, aquaculture, horticulture, forestry, and kindred industries with the University of Arkansas Division of Agriculture;

(8) Make all contracts and grants and employ, to the extent funds are available, such personnel as may be necessary to carry out the purposes of this chapter; ~~and~~

(9) Assist other departments, agencies, and institutions of the state and federal governments, when so requested, by performing services in conformity with the purposes of this chapter; ~~and~~

(10) For the departments, institutions, other agencies, or parts thereof, transferred to the Arkansas Agriculture Department under § 25-38-204, promulgate rules for:

(A) Marketing;

(B) Gifts and donations; and

(C) Any other matters not presently covered by the rule making authority of departments, institutions, other agencies, or parts thereof that the Arkansas Agriculture Department deems necessary to fully implement this subchapter."

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Lamoureux, **HOUSE BILL NO. 2477** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2477

Amend **HOUSE BILL NO. 2477** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 4-110-103(1)(A), concerning the definition of a breach of the security of a computer system, is amended to read as follows:

(1)(A) "Breach of the security of the system" means unauthorized acquisition within the immediately preceding five (5) years of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by ~~a person~~ an individual or a business.

SECTION 2. Arkansas Code Title 4, Chapter 110 is amended to add an additional section to read as follows:

4-110-109. Private right of action.

An individual has a private right of action to enforce this chapter if the individual reasonably believes that a breach of the security of the system has occurred that involves the individual's personal information."

/s/ Michael Lamoureux

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Lamoureux, **HOUSE BILL NO. 2474** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2474

Amend **HOUSE BILL NO. 2474** as originally introduced:

Delete the title in its entirety and substitute:

"AN ACT TO PLACE A MEMBER OF THE LANDLORDS ASSOCIATION OF ARKANSAS ON THE ARKANSAS FAIR HOUSING COMMISSION; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO PLACE A MEMBER OF THE LANDLORDS ASSOCIATION OF ARKANSAS ON THE ARKANSAS FAIR HOUSING COMMISSION."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 16-123-303(b)(1), concerning the membership of the Arkansas Fair Housing Commission, is amended to read as follows:

(b)(1) The commission shall consist of ~~thirteen (13)~~ fourteen (14) voting members; to be selected as follows: ~~Seven (7)~~ Eight (8) appointed by the Governor, three (3) appointed by the Speaker of the House of Representatives, and three (3) appointed by the President Pro Tempore of the Senate, as set forth in this subchapter, for terms of four (4) years whose terms begin on January 1 and end on December 31 of the fourth year or when their respective successors are appointed and qualified.

SECTION 2. Arkansas Code § 16-123-303(b), concerning the membership of the Arkansas Fair Housing Commission, is amended to add an additional subdivision to read as follows:

(7)(A) One (1) member shall be a landlord who has been engaged as a landlord for at least five (5) years prior to his or her nomination.

(B) The Governor shall appoint a member to fill a vacancy for the member to represent subdivision (b)(7)(A) of this section from a list of four (4) nominees submitted by the Landlords Association of Arkansas."

/s/ Michael Lamoureux

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Shelby, **HOUSE BILL NO. 2491** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2491

Amend **HOUSE BILL NO. 2491** as originally introduced:

Page 1, line 29, delete "medical or dental" and substitute "medical, dental, or other health care"

/s/ Gene Shelby

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Maloch, **HOUSE BILL NO. 2691** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2691

Amend **HOUSE BILL NO. 2691** as originally introduced:

"SECTION 1. Arkansas Code Title 4 is amended to add an additional chapter to read as follows:

CHAPTER 112 — SERVICE CONTRACTS ACT

4-112-101. Title.

This chapter shall be known and may be cited as the "Service Contracts Act".

4-112-102. Scope and purpose.

(a) The purpose of this chapter is to:

(1) Create a legal framework within which service contracts are defined, may be sold, and are regulated in this state;

(2) Add significant consumer protections; and

(3) Eliminate unnecessary administration.

(b) A service contract under § 4-112-103 is not insurance and is not subject to the Arkansas Insurance Code.

(c) This chapter does not apply to:

(1) Warranties;

(2) Maintenance agreements;

(3) Commercial transactions;

(4) Warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Arkansas Public Service Commission;

(5) Service contracts sold or offered for sale to persons other than consumers;

(6) Motor vehicle service contracts as defined in and regulated pursuant to the Motor Vehicle Service Contract Act, § 4-90-501, et seq.; or

(7) Mechanical breakdown insurance.

(d) Manufacturer's service contracts on the manufacturer's products are subject only to §§ 4-112-106(a), 4-112-106(d) — (g), 4-112-107, and 4-112-111.

(e) Other than mechanical breakdown insurance, the types of agreements referred to in subsections (c) and (d) of this section, and service contracts governed under this chapter are not insurance and are not subject to compliance with any provision of the insurance laws of this state.

4-112-103. Definitions.

As used in this chapter:

(1) "Administrator" means the person who is responsible for the administration of a service contract;

(2) "Consumer" means an individual who buys other than for purposes of resale any tangible personal property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or resale purposes;

(3) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only;

(4) "Manufacturer" means a person that:

(A) Manufactures or produces property and sells the property under its own name or label;

(B) Is a wholly owned subsidiary of the person that manufactures or produces that property;

(C) Is a corporation that owns one hundred percent (100%) of the person that manufactures or produces the property;

(D) Does not manufacture or produce the property, but the property is sold under its trade name label;

(E) Manufactures or produces the property and the property is sold under the trade name or label of another person; or

(F) Does not manufacture or produce the property but licenses the use of its trade name or label under a written contract with another person that sells the property under the licensor's trade name or label;

(5) "Mechanical breakdown insurance" means a policy, a contract, or an agreement issued by an authorized insurer that provides for the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or service, for the operations or structural failure of the property due to a defect in materials or workmanship or to normal wear and tear;

(6) "Nonoriginal manufacturer's parts" means replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";

(7) "Person" means an individual, a partnership, a corporation, an incorporated or unincorporated association, a joint stock company, a reciprocal, a syndicate, or any similar entity or combination of entities acting in concert;

(8) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy;

(9) "Provider" means a person that is contractually obligated to the service contract holder under the terms of the service contract;

(10) "Provider fee" means the consideration paid for a service contract;

(11) "Reimbursement insurance policy" means a policy of insurance issued to a provider to either:

(A) Provide reimbursement to the provider under the terms of the insured service contracts issued or sold by the provider; or

(B) In the event of the provider's nonperformance, to pay on behalf of the provider all covered contractual obligations incurred by the provider under the terms of the insured service contracts issued or sold by the provider;

(12)(A) "Service contract" means a contract or an agreement for a separately stated consideration and for a specific duration to perform the service, repair, replacement, or maintenance of property or indemnification for service, repair, replacement, or maintenance, for the operational or structural failure of property due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including without limitation, unavailability of parts, obsolescence, food spoilage, rental, or shipping.

(B) "Service contract" does not include mechanical breakdown insurance or maintenance agreements.

(C) A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental damage from handling.

(D) A service contract is not insurance in this state or otherwise regulated under the Arkansas Insurance Code;

(13) "Service contract holder" means a person that is the purchaser or holder of a service contract; and

(14) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without charge that:

(A) Is not negotiated or separated from the sale of the product;

(B) Is incidental to the sale of the product; and

(C) Guarantees indemnity for defective parts, mechanical breakdown, or electrical breakdown, and labor or other remedial measures, such as repair or replacement of the property or repetition of services.

4-112-104. Requirements for doing business.

(a) A provider may appoint an administrator or other designee to be responsible for all or part of the administration of service contracts and compliance with this chapter.

(b) Service contracts shall not be issued, sold, or offered for sale in this state unless the provider or its designee has:

(1) Provided a receipt or other written evidence of the purchase of the service contract to the contract holder;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with this chapter.

(c)(1) Each provider of service contracts sold in this state shall file a registration with the Insurance Commissioner consisting of its name, full corporate address, telephone number and contact person, evidence of compliance with subsection (d) of this section, a designation of a person in this state for service of process, and any other information required to be submitted by rule of the commissioner.

(2) Each provider shall pay to the commissioner a fee in the amount of two hundred dollars (\$200) upon initial registration and every year thereafter.

(3) The registration shall be updated by written notification to the commissioner if material changes occur in the registration.

(d) In order to assure the faithful performance of a provider's obligations to its contract holders, each provider that is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer licensed, registered, or authorized to transact insurance in this state, or a surplus lines insurer that is authorized under § 23-65-310 and maintains statutory capital and surplus of at least fifteen million dollars (\$15,000,000) at all times while the reimbursement insurance policy is in force;

(2)(A) Maintain a funded reserve account for its obligations under its contracts issued and outstanding in this state.

(B) The reserves shall not be less than forty percent (40%) of gross consideration received less claims paid on the sale of all unexpired service contracts.

(C) The reserve account shall be subject to examination and review by the commissioner;

(3) Place in trust with the commissioner a financial security deposit having a value of not less than five percent (5%) of the gross consideration received less claims paid on the sale of all unexpired service contracts, but not less than twenty-five thousand dollars (\$25,000), consisting of a surety bond issued by an authorized surety; or

(4)(A) Maintain a net worth of one hundred million dollars (\$100,000,000) on its own or together with its parent company if the parent company executes a parental guarantee in a form acceptable to the commissioner.

(B) Upon request, the provider shall provide the commissioner with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission within the last calendar year, or if the company does not file with the Securities and Exchange Commission, a copy of the company's audited financial statements, which shows an independent net worth of the provider or its parent company of at least one hundred million dollars (\$100,000,000).

(C) If the provider's parent company's Form 10-K, Form 20-F or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

(e) Except for the requirements specified in subsection (d) of this section, no other financial security requirements shall be required by the commissioner for a provider.

(f)(1) Provider fees collected on service contracts shall not be subject to premium taxes.

(2) Premiums for reimbursement insurance policies shall be subject to applicable taxes.

(g) Except for the registration requirements in subsection (c) of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with this chapter are exempt from this state's licensing requirements.

(h) Providers complying with this chapter are not required to comply with other provisions of the Arkansas Insurance Code.

4-112-105. Required disclosures — Reimbursement insurance policy.

(a) Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall state that the insurer that issued the reimbursement insurance policy shall:

(1) Reimburse or pay on behalf of the provider any covered sums the provider is legally obligated to pay; or

(2) In the event of the provider's nonperformance, shall provide the service that the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

(b) In the event covered service is not provided by the provider within sixty (60) days of proof of loss by the service contract holder, the service contract holder is entitled to apply directly to the reimbursement insurance company.

4-112-106. Required disclosure — Service contracts.

(a) A service contract issued, sold, or offered for sale in this state shall:

(1) Be written in clear, understandable language that is easy to read;

and

(2) Conspicuously disclose the applicable requirements of this section.

(b)(1) A service contract insured under a reimbursement insurance policy under § 4-112-104(d)(1) shall contain the name and address of the insurer and a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty (60) days after proof of loss has been filed, the service contract holder is entitled to make a claim directly against the insurance company".

(2) A claim against the provider may include a claim for return of the unearned provider fee.

(c)(1) A service contract not insured under a reimbursement insurance policy under § 4-112-104(d)(1) shall conspicuously state the name and address of the provider and contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (issuer) and are not guaranteed under a service contract reimbursement insurance policy".

(2) A claim against the provider shall also include a claim for return of the unearned provider fee.

(d) A service contract shall identify the administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

(e)(1) A service contract or a service contract holder's receipt shall state the total purchase price and the terms under which service contract is sold.

(2) The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale with the service contract holder.

(f) If prior approval of repair work is required, a service contract shall state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

(g) A service contract shall:

(1) Disclose the deductible amount;

(2) Specify the merchandise and services to be provided and any limitations, exceptions, or exclusions;

(3)(A) State the conditions upon which the use of the nonoriginal manufacturer's parts or substitute service may be allowed.

(B) Conditions stated shall comply with applicable state and federal laws;

(4) State any terms, restrictions, or conditions governing the transferability of the service contract;

(5)(A) State the terms, restrictions, or conditions governing termination of the service contract by the service contract holder.

(B)(i) The provider of the service contract shall mail a written notice to the contract holder within fifteen (15) days of the date of termination in the event the provider terminates the service contract.

(ii) Prior notice is not required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the service contract holder to the provider, or a substantial breach of duties by the service contract holder relating to the covered product or its use.

(C) The notice shall state the effective date of the cancellation and the reason for the cancellation.

(D) A pro rata refund of the unearned portion of the provider fee, less the amount or value of any claims paid, shall accompany the notice unless cancellation is for nonpayment;

(6)(A) Require every provider to permit the service contract holder to return the contract within no less than twenty (20) days of the date of mailing of the service contract or no less than ten (10) days if the service contract is delivered at the time of sale or within a longer time period permitted under the service contract.

(B) If no claim has been made under the service contract, the service contract is void and the provider shall refund to the service contract holder the full purchase price of the service contract.

(C) A ten percent (10%) penalty per month shall be added to a refund that is not paid within forty-five (45) days of return of the service contract to the provider.

(D) The applicable free-look time period on service contracts shall only apply to the original service contract purchaser and only if no claim has been made prior to its return to the provider;

(7) Set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance; and

(8) Clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

4-112-107. Prohibited acts.

(a)(1) A provider shall not use a name:

(A) With the words insurance, casualty, surety, mutual, or any other words descriptive of the insurance, casualty, or surety business; or

(B) Deceptively similar to the name or description of any insurance or surety corporation or any other provider.

(2)(A) This subsection shall not apply to a company that was using any of the prohibited language in its name prior to the effective date of this chapter.

(B) However, a company using the prohibited language in its name shall conspicuously disclose in its service contracts that the service contract is not an insurance contract.

(b) A provider or its representative shall not in its service contracts or literature make or permit or cause to be made any false or misleading statement or deliberately omit any material statement that would be considered misleading if omitted in connection with the sale, offer to sell, or advertisement of a service contract.

(c) A person, including without limitation, bank, savings and loan association, lending institution, manufacturer, or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

4-112-108. Recordkeeping requirements.

(a)(1) A provider shall keep accurate accounts, books, and records concerning transactions regulated under this chapter.

(2) A provider's accounts, books, and records shall include:

(A) A copy of each type of service contract issued;

(B) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(C) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(D) Claims files containing at a minimum the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

(3) Except as provided in subsection (b) of this section, a provider shall retain all records pertaining to each service contract holder for at least three (3) years after the specified period of coverage has expired.

(4)(A) A provider may keep all records required under this chapter on a computer disk or other similar technology.

(B) If a provider maintains records in other than hard copy, records shall be accessible from a computer terminal available to the Insurance Commissioner and be capable of duplication to legible hard copy.

(b) A provider discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to service contract holders in this state.

(c) A provider shall make all accounts, books, and records concerning transactions regulated under this chapter or other pertinent laws available to the commissioner upon request.

(d) The books and records requirement of this section may be delegated by the provider to its administrator or other designee, but such delegation shall not relieve the provider of its obligations to have the books and records maintained and produced upon the commissioner's request.

4-112-109. Cancellation of reimbursement insurance policy.

(a) An insurer that issued a reimbursement insurance policy shall not terminate the policy until at least sixty (60) days' notice of termination has been mailed or delivered to the Insurance Commissioner and in accordance with any other applicable law.

(b) The termination of a reimbursement insurance policy shall not reduce the insurer's responsibility for service contracts issued by providers prior to the date of the termination.

4-112-110. Obligation of reimbursement insurance policy insurers.

(a)(1) Providers are considered to be the agent of the insurer that issued a reimbursement insurance policy for the purpose of obligating an insurer for the acts of its agents, including the collection of moneys not forwarded.

(2) If a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

(b) This chapter shall not prevent or limit the right of an insurer that issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay a service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

4-112-111. Enforcement provisions.

(a) The Insurance Commissioner may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of this chapter and protect service contract holders in this state.

(b)(1) The commissioner may take any action that is necessary or appropriate to enforce the provisions of this chapter and the commissioner's rules and orders to protect service contract holders in this state.

(2) The commissioner may order a provider to cease and desist from committing violations of this chapter or the commissioner's rules or orders, may issue an order prohibiting a provider from selling or offering a service contract for sale, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated this chapter or the commissioner's rules or orders.

(3)(A) A person aggrieved by an order issued under this subsection may request a hearing before the commissioner by filing a request with the commissioner within twenty (20) days of the commissioner's order.

(B) Pending the hearing and the decision by the commissioner, the commissioner shall suspend the effective date of the order.

(C)(i) At the hearing, the burden shall be on the commissioner to show why the order is justified.

(ii) The provisions of § 23-61-301 et seq. shall apply to a hearing requested under this subsection.

(4)(A) The commissioner may bring an action in the Pulaski County Circuit Court for an injunction or other appropriate relief for threatened or existing violations of this chapter or of the commissioner's rules or orders.

(B) An action filed under this subdivision (b)(3)(A) of this section may also seek restitution on behalf of persons aggrieved by a violation of this chapter or a rule or an order of the commissioner.

(5)(A) A person in violation of this chapter or a rule or an order of the commissioner may be assessed a civil penalty not to exceed five hundred dollars (\$500) per violation and no more than ten thousand dollars (\$10,000) in the aggregate for all violations of a similar nature.

(B) For purposes of this subdivision (b)(5), violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the act, conduct, or practice that is determined to be a violation of this chapter has occurred.

(c) The authority of the commissioner under this section is in addition to other authorities of the commissioner.

4-112-112. Rules.

The Insurance Commissioner may promulgate rules necessary to effectuate this chapter.

4-112-113. Effective date — Exception.

This chapter shall become effective and apply to all service contracts issued on or after October 1, 2007. However, a provider engaged in the service contract business in this state on or before the effective date of this chapter that submits an application for registration as a provider under this chapter within thirty (30) days after the Insurance Commissioner makes the application available may continue to engage in business as a provider in this state until final agency action is taken by the commissioner regarding the registration application and all rights to administrative judicial review have been exhausted or have expired."

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Maloch, **HOUSE BILL NO. 2437** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2437

Amend **HOUSE BILL NO. 2437** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 89, Subchapter 2 is amended to add an additional section to read as follows:

23-89-215. Loss payees.

(a) Any person or entity having a lien upon a motor vehicle may require the person's or entity's borrower to list the person or entity as a loss payee on the borrower's motor vehicle insurance policy.

(b) A motor vehicle liability insurer shall include a loss payee as a payee on a check for damage in excess of five hundred dollars (\$500) to a motor vehicle."

/s/ Bruce Maloch

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 2499** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2499

Amend **HOUSE BILL NO. 2499** as originally introduced:

Page 1, line 35, delete "sixty (60)" and substitute "thirty (30)"

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED*****03/16/07*****

Upon motion of Representative Breedlove, HOUSE BILL NO. 2741 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2741

Amend HOUSE BILL NO. 2741 as originally introduced:
Remove Representative Cornwell as a cosponsor of the bill

/s/ Steve Breedlove

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

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED*****03/16/07*****

Upon motion of Representative Breedlove, **HOUSE BILL NO. 2742** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2742

Amend **HOUSE BILL NO. 2742** as originally introduced:

Add Representative Hoyt as a cosponsor to the bill

/s/ Steve Bryles

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Sumpter, **HOUSE BILL NO. 2625** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2625

Amend **HOUSE BILL NO. 2625** as originally introduced:

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code § 7-5-518(b), concerning the adjustment of a counter, is amended to read as follows:

(b) If any counter ~~or tabulator~~ is found not to register zero (000), the election officials shall immediately notify the county board of election commissioners, who shall cause the counters to be adjusted at zero (000).

SECTION 2. Arkansas Code § 7-5-522 is amended to read as follows:"

AND

Page 2, line 4, add "if known" after "voter"

AND

Page 2, line 9 delete "SECTION 2." And substitute "SECTION 3."

AND

Page 3, delete line 8 and substitute the following:

~~"waiting in line to vote at the polling site."~~

SECTION 4. Arkansas Code § 7-5-523 is repealed.

~~7-5-523. Assistance to voters with disabilities. [Effective January 1, 2006.]~~

~~(a)(1) A voter shall inform the election officials at the time that the voter presents himself or herself to vote that the voter is unable to cast his or her ballot by voting machine because the voter cannot read or write or because of physical, sensory, or other disability or other legal cause, or that he or she is unable to complete the ballot without help and needs the assistance of some other person in casting his or her ballot. That voter may be assisted by:~~

~~(A) Two (2) election officials; or~~

~~(B) A person named by the voter.~~

~~(2) If the voter is assisted by two (2) election officials, one (1) of the election officials shall observe the voting process and one (1) may assist the voter in operating the machine so as to vote the ballot in accordance with the wishes of the voter without comment or interpretation.~~

~~(3) If the voter is assisted by one (1) person named by the voter, he or she may assist the voter in operating the machine so as to vote the ballot in accordance with the wishes of the voter without comment or interpretation.~~

~~(4) The laws of this state with respect to assisting persons with disabilities in the casting of votes upon printed ballots shall govern, insofar as is practicable, the assistance of a voter in casting his or her ballot by voting machine.~~

~~(5) It shall be the duty of the election officials at the polling site to make and maintain a list of the names of all persons assisting voters.~~

~~(b) A voter with a disability who requests to cast his or her ballot on a voting machine without assistance shall be provided with an audio or other device that shall be used in conjunction with the voting machine so that the voter may cast a secret ballot without assistance.~~

~~(c) Any voter who because of physical, sensory, or other disability presents himself or herself for voting by voting machine and who then informs election officials at the polling site that he or she is unable to stand in line for extended periods of time shall be entitled to be assisted by an election official to advance to the head of any line of voters then waiting in line to vote at the polling site."~~

AND

Page 3, line 10 delete "SECTION 3." And substitute "SECTION 5."

AND

Page 3, line 23 delete "SECTION 4." And substitute "SECTION 6."

AND

Page 3, delete lines 24 and 25 and substitute the following:

"7-5-530. Machines released to officials -- Impounding upon election contest

~~or recount~~ Securing audit materials upon election contest or recount. [Effective January 1, 2006.]"

AND

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

AND

Page 4, line 2, before "under", insert "in the county courthouse"

AND

Page 4, line 3 delete "(d)" and substitute "~~(d)~~(c)"

AND

Page 4, delete lines 9 through 11 and substitute the following:

"verified paper audit trails and store them in a secure place in the county courthouse to which only he or she shall have access awaiting further orders of the applicable county board or court."

AND

Page 4, line 13 delete "SECTION 5." And substitute "SECTION 7."

AND

Page 5, line 5 delete "shall" and substitute "may"

AND

Page 5, delete lines 24 through 36 and substitute the following:

"SECTION 8. Arkansas Code § 7-5-614 is amended to read as follows:

7-5-614. Locations for vote tabulation - Procedures. ~~{Effective January 1, 2006.}~~

~~(a)(1) The For the tabulation of votes of a precinct may be by electronic vote tabulating devices at a central counting location ~~or at the polling sites.~~~~

~~(2) Provisional ballots and absentee ballots shall be processed and counted at the courthouse or other central counting location in the county.~~

~~(3) The county board of election commissioners with respect to all elections shall give notice of the location within the county of each place at which votes will be counted by electronic vote tabulating devices and of the names or numbers of all precincts whose votes will be counted at each location, by posting the notice in a conspicuous place in the county courthouse at least three (3) days prior to each election.~~

~~(b) For the tabulation of provisional and absentee ballots at a central location beginning on election day:~~

~~(1)(A) The election officials shall place in the container provided for the that purpose all ballots that have been cast.~~

~~(B) This The container shall be sealed and delivered to the county board of election commissioners forthwith by the election officials together~~

with the unused, void, and defective ballots; and

(2)(A) All proceedings at the counting location shall be under the direction of at least two (2) election officials named by the county board of election commissioners with respect to all elections.

(B) In all elections, when possible, the election officials shall represent the majority party and the minority party."

AND

Page 6, delete lines 1 through 13 in their entirety

AND

Page 6, line 15 delete "SECTION 7." And substitute "SECTION 9."

AND

Page 6, line 17 delete "[Effective January 1, 2006.]" and substitute "[Effective ~~January 1, 2006.~~]"

AND

Page 7, line 1, delete "precinct" and substitute "~~precinct~~ polling site"

/s/ Denny Sumpter

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Reep, **HOUSE BILL NO. 2316** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2316

Amend **HOUSE BILL NO. 2316** as originally introduced:

Page 2, delete lines 9 through 20 and substitute:

"SECTION 3. Arkansas Code § 6-61-533 is amended to read as follows:

6-61-533. Arkansas Heavy Equipment Operator Training Academy - Funding.

(a)(1) All legislatively appropriated funds, tuitions, grant moneys, and donations designated for the Arkansas Heavy Equipment Operator Training Academy shall be specifically used for the operation of the academy.

~~(2) All moneys appropriated or designated for the academy shall be maintained:~~

~~(A) In accounts separate from accounts for the University of Arkansas at Monticello;~~

~~(B) In Bradley County financial institutions whenever possible;~~
and

~~(C) Following state accounting procedures and guidelines.~~

(2) If the General Assembly does not provide funding for the Arkansas Heavy Equipment Operator Training Academy, the University of Arkansas at Monticello shall not be required to fund the Academy and the Academy shall be abolished.

(3) The Director of the Arkansas Heavy Equipment Operator Training Academy will develop, recommend, and monitor the academy's annual budget.

(4) The chief fiscal officer of the university or his or her designee shall regularly monitor academy books, banking records, accounts, and expenditures.

~~(b)(4)~~ The academy shall remain under the supervision of the director, who shall be assisted by the academy coordinator.

~~(2) The Director of the Southeast Arkansas Community-Based Education Center shall serve as the director of the academy."~~

/s/ Gregg Reep

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Greenberg, **HOUSE BILL NO. 2352** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 2352

Amend **HOUSE BILL NO. 2352** as engrossed,

H3/12/07 (version: 03-12-2007 09:52):

Add Representative Rosenbaum as a cosponsor of the bill

AND

Page 2, line 29, delete "(1)"

AND

Page 2, delete lines 32 through 34

AND

Page 3, delete lines 4 and 5

/s/ Dan Greenberg

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative S. Prater, **HOUSE BILL NO. 2249** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2249

Amend **HOUSE BILL NO. 2249** as originally introduced:

Page 2, delete lines 23 through 26 and substitute:

"(2)(A)(i) The photo identification card that is issued to correspond with the temporary special certificate shall be issued upon payment of a transaction fee of five dollars (\$5.00) and shall expire three (3) months from the last day of the month in which it is issued.

(ii) The photo identification card issued under subsection (d) of this section shall be carried on the person for verification of identity."

AND

Page 3, delete lines 25 through 31 and substitute:

"(2)(A) For every application for a special license plate issued under this section, the Department of Finance and Administration shall produce a photo identification card containing a color photograph of the person with a disability who is either:

(i) Applying for the special license plate; or

(ii) Being transported by the vehicle for which the special license plate is issued.

(B) The photo identification card issued under subsection (a) of this section shall be carried on the person for verification of identity."

/s/ Sandra Prater

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Green, **HOUSE BILL NO. 2628** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2628

Amend **HOUSE BILL NO. 2628** as originally introduced:

Page 2, delete line 36 and substitute the following:

~~"(3) Serve until dismissed by the Commissioner of State Lands;"~~

AND

Page 3, line 1, delete "(4)" and insert "~~(4)~~(3)"

AND

Page 3, line 3, delete "(5)" and insert "~~(5)~~(4)"

AND

Page 3, line 5, delete "(6)" and insert "~~(6)~~(5)"

/s/ Rick Green

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Abernathy, **HOUSE BILL NO. 1730** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1730

Amend **HOUSE BILL NO. 1730** as engrossed,

H3/9/07 (version: 03-09-2007 11:24):

Page 2, line 3, delete "§ 6-16-1204(c)" and substitute "§ 6-16-1204(b)"

AND

Page 3, delete lines 2 through 6

AND

Page 3, line 7, delete "(c)" and substitute "(b)"

AND

Page 3, line 35, delete "subdivision (c)(5)" and substitute "subdivision (b)(5)"

AND

Page 4, line 1, delete "subdivision (c)(5)" and substitute "subdivision (b)(5)"

AND

Page 4, line 10, delete "subdivision (c)(7)" and substitute "subdivision (b)(7)"

AND

Page 4, line 13, delete "(d)" and substitute "(c)"

AND

Page 4, line 18, delete "(e)(e)" and substitute "(e)(d)"

AND

Page 4, delete line 22, and substitute the following:

"(d)(1)(e)(1) The requirement under subsection (e)(d) of this section"

AND

Page 7, line 13, delete "§ 6-16-1204(c)" and substitute "§ 6-16-1204(b)"

/s/ Bill Abernathy

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Abernathy, **HOUSE BILL NO. 1012** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1012

Amend **HOUSE BILL NO. 1012** as originally introduced:

Page 1, delete lines 12 through 14, and substitute the following:

"PERSONS SUBJECT TO BACKGROUND CHECKS; TO CREATE A UNIFORM LIST OF DISQUALIFYING OFFENSES FOR CRIMINAL HISTORY BACKGROUND CHECKS; TO AUTHORIZE WAIVER OF THE DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 17 through 22, and substitute the following:

"TO PROVIDE THAT CERTAIN EXPUNGED OFFENSES CAUSE DISQUALIFICATION FROM CERTAIN ACTIVITIES FOR PERSONS SUBJECT TO CRIMINAL BACKGROUND CHECKS AND TO AUTHORIZE WAIVER OF THE DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 3, Chapter 1, Subchapter 1 is amended to add an additional section to read as follows:

3-1-104. Applications – Contents.

(a) Except as provided in this section, no person who is required to have a criminal records background check under this Title 3 shall be eligible to hold a position, permit, or license if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(b)(1) The Alcoholic Beverage Control Board may waive the disqualification described in subsection (a) of this section and allow a person to hold a position, permit, or license upon making a determination that the person does not pose a risk of harm to any other person served by the board or to any persons to be served by the person holding the position, permit, or license.

(2) In making a disqualification waiver determination under subdivision (b)(1) of this section, the board may consider the following factors:

- (A) The nature and severity of the offense;
- (B) The consequences of the offense;
- (C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served by the board, such as:

(i) The age and vulnerability of any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the board;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(c) The board's decision to refuse to waive disqualification from holding a position, permit, or license under this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 2. Arkansas Code § 3-2-103 is amended to read as follows:

3-2-103. Information to be submitted by applicants.

(a)(1) Any person applying for any permit issued by the Alcoholic Beverage Control Division, except as provided in subsection (b) or (c) of this section, shall be subject to an eligibility determination under § 3-1-104. ~~meet the following requirements:~~

~~(1) No applicant shall have been found guilty of or pleaded guilty or nolo contendere to:~~

~~(A) Any felony by any court in the State of Arkansas; or~~

~~(B) Any similar offense by a court in another state or of any similar offense by a military or federal court;~~

(2)(A) In order to determine the applicant's suitability for a permit, the applicant shall be fingerprinted, and the fingerprints shall be forwarded for a criminal background check through the Department of Arkansas State Police.

(B) After the completion of the criminal background check through the department, the fingerprints shall be forwarded by the department to the Federal Bureau of Investigation for a national criminal history record check; ~~and.~~

(3) The applicant shall sign a release that allows the department to release:

(A) An Arkansas noncriminal justice background check to the Alcoholic Beverage Control Board; and

(B) A fingerprint card of the applicant to the bureau to allow a federal fingerprint-based background check to be performed.

(b) No fingerprint submission or criminal background check shall be required

for any person applying for a nonresident seller's permit or for a wholesale support center permit as authorized by § 3-5-1301 et seq.

(c) No fingerprint submission shall be required for any person applying for any permit that has a stated duration of five (5) days or less.

(d) This section is supplementary to any and all requirements that exist for various permits issued by the division, and all other individual permit requirements shall continue to apply to those respective permit applications.

(e) The division may adopt rules to implement the provisions of this section.

SECTION 3. Arkansas Code § 6-17-410 is amended to read as follows:

6-17-410. Teacher licensure - First-time applicant, renewal application, revocation, suspension, and probation.

(a)(1)(A)(i) Each first-time applicant for a license issued by the State Board of Education and each applicant for his or her first license renewal on or after July 1, 1997, shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(ii) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

~~(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.~~

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the criminal records check.

(C)(i) The Department of Education shall be responsible for the payment of any fee associated with the criminal records check at the time of license renewal for employees of Arkansas public school districts, employees of other public education institutions located in Arkansas, and employees of the Department of Education.

(ii) Funding for the fees shall come from the Public School Fund.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the applicant to the Department of Education.

(b)(1) The state board is authorized to issue a six-month nonrenewable letter

of provisional eligibility for licensure to a first-time applicant pending the results of the criminal records check. However, the Commissioner of Education may extend the period of provisional eligibility to the end of that contract year if:

- (A) The applicant is employed by a local school district; and
- (B) The results of the criminal records check are delayed.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional eligibility for licensure has pleaded guilty or nolo contendere to or has been found guilty of any offense in subsection (c) of this section, the state board shall immediately revoke the provisional eligibility as provided under subsection (c) of this section.

~~(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses 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 but only after an opportunity for a hearing before the board upon reasonable notice in writing:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;~~
- ~~(5) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(6) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(7) Kidnapping as prohibited in § 5-11-102;~~
- ~~(8) Rape as prohibited in § 5-14-103;~~
- ~~(9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in § 5-14-124 - 5-14-127;~~
- ~~(10) Incest as prohibited in § 5-26-202;~~
- ~~(11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(12) Distribution to minors as prohibited in § 5-64-406;~~
- ~~(13) Any felony in violation of the Uniform Controlled Substances Act,~~

~~§ 5-64-101 et seq.;~~

~~(14) Sexual indecency with a child as prohibited in § 5-14-110;~~

~~(15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~

~~(16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;~~

~~(17) False imprisonment in the first degree as prohibited in § 5-11-403;~~

~~(18) Permanent detention or restraint as prohibited in § 5-11-106;~~

~~(19) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~

~~(20) Negligent homicide as prohibited by § 5-10-105(a);~~

~~(21) Assault in the first degree as prohibited by § 5-13-205;~~

~~(22) Coercion as prohibited by § 5-13-208;~~

~~(23) Public sexual indecency as prohibited by § 5-14-111;~~

~~(24) Indecent exposure as prohibited by § 5-14-112;~~

~~(25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;~~

~~(26) Criminal attempt, 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;~~

~~(27) Computer child pornography as prohibited in § 5-27-603; and~~

~~(28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605. Except as provided in subsection (d) of this section, no person shall be eligible to hold provisional eligibility for licensure, a first-time license, or a renewal license, and the state board shall immediately revoke provisional eligibility for licensure, a first-time license, or a renewal license if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.~~

(d)(1) The eligibility and revocation provisions of subsection (c) of this section may be waived or a license may be suspended or placed on probation by the state board upon request by:

(A) The board of a local school district;

(B) An affected applicant for licensure; or

(C) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

- (A) The age at which the crime was committed;
- (B) The circumstances surrounding the crime;
- (C) The length of time since the crime;
- (D) Subsequent work history;
- (E) Employment references;
- (F) Character references; and
- (G) Other evidence demonstrating that the applicant does not

pose a threat to the health or safety of school children or school personnel.

(e)(1) For cause as set forth in subdivision (e)(2) of this section, the state board may revoke, suspend, or place on probation the license of any person but only after an opportunity for a hearing before the state board upon reasonable written notice of the cause to be considered and only if a written request for a hearing is received by the state board no less than thirty (30) days after the notice of the cause is received by the person holding the license.

(2) For the purposes of this subsection, "cause" means any of the following:

(A) Pleading guilty or nolo contendere to or having been found guilty of a felony ~~not listed in subsection (c) of this section in any court in this state or of a similar felony in a court in another state or in a federal court;~~

(B) Pleading guilty or nolo contendere to or having been found guilty in a court:

(i) In this state of a nonfelony negligent homicide or a misdemeanor ~~not listed in subsection (c) of this section~~ and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee; or

(ii) In another state or in federal court of a crime similar to a nonfelony negligent homicide or a misdemeanor not listed in subsection (c) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee;

(C) Holding a license obtained by fraudulent means;

(D) Revocation of a license in another state;

(E) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;

(F) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the

testing program company and so reported to the Department of Education by the testing company;

(G) Having an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child;

(H) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;

(I) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or

(J) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.

(3) For purposes of this subsection, "child" means a person enrolled in the public schools of the State of Arkansas.

(f)(1) The superintendent of each school district shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the local school district who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in [nc69]subsection (c) of this section;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(E) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division; or

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Department of Education rules and regulations for teacher licensure.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

(g) For cause as stated in subsection (e) of this section, the state board is authorized to:

(1) Revoke a license permanently;

(2) Suspend a license for a terminable period of time or indefinitely; or

(3) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

(h) Upon notice in writing that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:

(1) Decline to answer the notice, in which case a hearing will be held before the state board to establish by a preponderance of the evidence that cause for the proposed action exists;

(2) Contest the complaint, in which case the person shall be given an evidentiary hearing before the state board if one is requested;

(3) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty which may be assessed; or

(4) Stipulate or reach a negotiated agreement which must be approved by the state board.

(i)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to subsection (a) of this section shall not be available for examination except by the affected applicant for licensure or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(j) The state board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

SECTION 4. Arkansas Code § 6-17-414 is amended to read as follows:

6-17-414. Criminal records check as a condition for initial employment of noncertified personnel.

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of a local school district or an education service cooperative shall require as a condition for initial employment in a noncertified staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the

latter to be conducted by the Federal Bureau of Investigation.

(ii) The checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

~~(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.~~

(B) The person shall sign a release of information to the Department of Education. Unless the employing school district board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a local school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment as provided by subdivision (b)(1) of this section.

(b) ~~No~~ Except as provided in subsection (f) of this section, no person shall be eligible for employment by a local school district or education service cooperative in a noncertified staff position if that person has pleaded guilty or nolo contendere to or has been found guilty of any ~~of the following offenses~~ felony or Class A misdemeanor offense 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: or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;~~
- ~~(5) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(6) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(7) Kidnapping as prohibited in § 5-11-102;~~
- ~~(8) Rape as prohibited in § 5-14-103;~~
- ~~(9) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in § 5-14-124 – 5-14-127;~~
- ~~(10) Incest as prohibited in § 5-26-202;~~
- ~~(11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(12) Distribution to minors as prohibited in § 5-64-406;~~
- ~~(13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;~~
- ~~(14) Criminal attempt, 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;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~
- ~~(17) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;~~
- ~~(18) False imprisonment in the first degree as prohibited in § 5-11-403;~~
- ~~(19) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(20) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(21) Negligent homicide as prohibited by § 5-10-105(a);~~
- ~~(22) Assault in the first degree as prohibited by § 5-13-205;~~
- ~~(23) Coercion as prohibited by § 5-13-208;~~

~~(24) Public sexual indecency as prohibited by § 5-14-111;~~

~~(25) Indecent exposure as prohibited by § 5-14-112;~~

~~(26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;~~

~~(27) Computer child pornography as prohibited in § 5-27-603; and~~

~~(28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(c) However, the board of directors of a local school district or education service cooperative is authorized to offer provisional employment to an applicant pending receipt of eligibility information from the Department of Education.

(d)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(e) As used in this section, "noncertified staff position" means any job that does not require the person to hold a license issued by the State Board of Education and is either a full-time job or a permanent part-time job or is a job as a substitute teacher for thirty (30) days or more during a school year.

(f)(1) The employment eligibility provisions of ~~subdivision (b)(1)~~ subsection (b) of this section may be waived by the state board upon request by:

(A) The board of a local school district; or

(B) An affected applicant for employment.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) ~~The age at which the crime was committed~~ The nature and severity of the offense;

(B) ~~The circumstances surrounding the crime~~ The consequences of the offense;

(C) ~~The length of time since the crime~~ The number and frequency of offenses;

(D) ~~Subsequent work history~~ The relation between the crime and the health, safety, and welfare of persons served by the board of a local school

district or education service cooperative, such as:

- (i) The age and vulnerability of any victim of the offense;
- (ii) The harm suffered by any victim; and
- (iii) The similarity between any victim and persons

served by the board of a local school district or education service cooperative;

~~(E) Employment references~~ The time elapsed without a repeat of the same or similar offense;

~~(F) Character references~~ Documentation of successful completion of training or rehabilitation concerning the offense; and

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel~~ Any other relevant information.

(3) No waiver shall be granted if the state board determines that the offense was a violent, physical, or sexual offense.

(g) The state board may determine that an applicant for employment with a school district in a noncertified staff position is ineligible for employment if the applicant:

(1) Has pleaded guilty or nolo contendere to or has been found guilty of a felony not listed in subsection (b) of this section;

(2) Pleads guilty or nolo contendere to or has been found guilty in a court:

(A) In this state of a nonfelony negligent homicide or a misdemeanor not listed in subsection (b) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee; or

(B) In another state or in federal court of a crime similar to a nonfelony negligent homicide or a misdemeanor not listed in subsection (b) of this section and involving physical injury, mistreatment, or abuse against a child or against a household member of the licensee;

(3) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;

(4) Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child;

(5) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or

(6) Knowingly falsifies or directs another to falsify any grade given to a

student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.

SECTION 5. Arkansas Code § 6-17-421 is amended to read as follows:

6-17-421. Criminal records check for fraudulent acts.

(a) For purposes of this section:

(1) "Applicant" means an individual who is applying for initial employment as a fiscal officer of a school district;

(2) "Fiscal officer" means any certified or noncertified employee of a school district or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of five thousand dollars (\$5,000), specifically including, but not limited to, superintendents, fiscal officers, and bookkeepers; and

(3) "Fraudulent act" means an act:

(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

(B) For which the actor has pleaded guilty or nolo contendere to or has been found guilty by any court in this state, by a court in another state, or by a federal court.

(b)(1)(A) Upon making application for employment in a position as a fiscal officer of a school district, the board of directors of a school district shall require the employment applicant to authorize release to the Department of Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the Arkansas State Police.

(B) Unless the employing school district's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check.

(2)(A) The criminal background check shall conform to the applicable federal standards and include the taking of the employment applicant's or currently employed fiscal officer's fingerprints.

(B) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(3)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected employment applicant or fiscal officer or his or her duly authorized representative, and no record,

file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the background check.

(4) The Department of Education shall promptly inform the board of directors of the local school district whether or not the affected employment applicant is eligible for employment as provided in this subsection.

(c)(1) ~~No~~ After an opportunity for a hearing before the State Board of Education upon reasonable notice in writing, no person shall be eligible for employment as a fiscal officer by a local school district if the results of the criminal records check released to the Department of Education by the applicant reveals that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a ~~fraudulent act but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing~~ any felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(2) However, the board of directors of a local school district is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

(d)(1) The superintendent of each school district shall report to the state board the name of any fiscal officer who is currently employed or was employed during the two (2) previous school years by the local school district who has pleaded guilty or nolo contendere to or has been found guilty of a ~~fraudulent act~~ an offense under subdivision (c)(1) of this section.

(2) A superintendent who knowingly fails to report information as required by this subsection may be subject to sanctions imposed by the state board.

(e) A prosecuting attorney who prosecutes a person whom he or she knows is a school employee in a case in which the school employee has pleaded guilty or nolo contendere to or has been found guilty of a ~~fraudulent act~~ an offense under subdivision (c)(1) of this section shall report the name of the employee and the nature of the crime to the school district in which the person is employed and to the state board.

(f) A fiscal officer who pleads guilty or nolo contendere to or has been found guilty of a ~~fraudulent act~~ an offense under subdivision (c)(1) of this section shall be

dismissed from employment with the school district but only after an opportunity for a hearing before the state board upon reasonable notice in writing.

(g)(1) The state board shall be entitled to consider:

(A) ~~The age of the fiscal officer at the time the criminal act occurred~~ The nature and severity of the offense;

(B) ~~The length of time since the conviction~~ The consequences of the offense;

(C) ~~Whether the fiscal officer has pleaded guilty or nolo contendere to or has been found guilty of any other criminal violation since the original conviction~~ The number and frequency of offenses;

(D) ~~Whether the original conviction was expunged or pardoned~~ The relation between the crime and the health, safety, and welfare of persons served by the board of a local school district, such as:

(i) The age and vulnerability of any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the board of a local school district; and

(E) ~~Any other relevant facts~~ The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(2) The state board after conducting a hearing and issuing a decision in writing may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsections (c) and (f) of this section.

SECTION 6. Arkansas Code § 6-51-606(h), concerning the issuance or revocation of a license issued by the State Board of Private Career Education, is amended to read as follows:

(h) The board shall have the power to deny issuing a new or renewal license, to revoke an existing license, or to place a licensee on probation, if in its discretion it determines that:

(1) The licensee has violated any of the provisions of this subchapter or any of the rules and regulations of the board;

(2) The applicant or licensee has knowingly presented to the board incomplete or misleading information relating to licensure;

(3) The applicant or licensee has pleaded guilty, entered a plea of nolo contendere, or has been found guilty in a criminal proceeding, regardless of whether

or not the adjudication of guilt or sentence is withheld, deferred, or suspended by a court of this state, another state, or the federal government of:

(A) Any felony or Class A misdemeanor; or

(B) Any act involving moral turpitude, gross immorality, or which is related to the qualifications, functions, and duties of a licensee;

(4) The applicant or licensee has intentionally failed or refused to permit the board or its representatives to inspect the school or classes or has intentionally failed or refused to make available to the board, at any time when requested to do so, full information pertaining to any or all items of information contained in an application for license or pertaining to the operation of the school;

(5) The applicant has failed or refused to submit to the board an application for license or renewal in the manner and on the forms prescribed;

(6) A licensed admissions representative has failed or refused to display or produce his or her license when requested to do so by prospective students or designated officials of the board;

(7) The applicant or licensee has failed to provide or maintain premises, equipment, materials, supplies, or conditions in accordance with minimum standards as established by rules and regulations;

(8) The licensee has been found by the board or a court of law to have perpetrated fraud or deceit in advertising of the school or programs of study or in presenting to prospective students information relating to the school, programs of study, employment opportunities, or opportunities for enrollment in institutions of higher education;

(9) The licensee has in its employ admissions representatives who have not been licensed but are actively engaged in the practice of attempting to enroll students;

(10) The licensee has failed to provide and maintain standards of instruction or qualified administrative, supervisory, or instructional staff as established by rules and regulations;

(11) The applicant or licensee is unable to provide and maintain financial resources in sufficient amount to equip and maintain the school or classes;

(12) The licensee has moved the school into new premises or facilities without first notifying the director;

(13) The licensee has offered training or instruction in programs of study which have not been approved and authorized in accordance with rules and regulations;

(14) A licensed admissions representative has solicited prospective students to enroll in a school which has not been licensed by the board or which is

not listed on his or her license;

(15) There was a change in the ownership of the school without proper notification to and approval from the board;

(16) The licensee has failed to notify the director or to provide written documentation as to the cause that the license of a school has been suspended or revoked or the school has been placed on probation or a show cause issued in another state or by another regulatory agency;

(17) The licensee has failed to notify the director of legal actions initiated by or against the school; or

(18) The licensee fails to make tuition refunds to the students or their lenders in compliance with current regulations.

SECTION 7. Arkansas Code § 9-28-409 is amended to read as follows:

9-28-409. Criminal record and child maltreatment checks.

(a)(1) Each of the following persons in a child welfare agency shall be checked with the child maltreatment central registry in his or her state of residence and any state of residence in which the person has lived for the past six (6) years and in the person's state of employment, if different, for reports of child maltreatment in compliance with policy and procedures promulgated by the Child Welfare Agency Review Board:

(A) An employee having direct and unsupervised contact with children;

(B) A volunteer having direct and unsupervised contact with children;

(C) A foster parent and all household members age ten (10) years and older;

(D) An adoptive parent and all household members age ten (10) years and older;

(E) An owner having direct and unsupervised contact with children; and

(F) A member of the agency's board of directors having direct and unsupervised contact with children.

(2) The board shall have the authority to deny a license or church-operated exemption to any applicant found to have any record of founded child maltreatment in the official record of the registry.

(3)(A) Any person required to be checked under this section who is found to have any record of child maltreatment in the official record of the registry shall be reviewed by the owner or operator of the facility in consultation with the board to determine appropriate corrective action measures which would indicate, but

are not limited to, training, probationary employment, or nonselection for employment.

(B) The board shall also have the authority to deny a license or church-operated exemption to an applicant who continues to employ a person with any record of founded child maltreatment.

(4) All persons required to be checked with the registry under this subsection shall repeat the check every two (2) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.

(b)(1) Each of the following persons in a child welfare agency who has lived in Arkansas continuously for six (6) years or more shall be checked with the Identification Bureau of the Department of Arkansas State Police for convictions of the offenses listed in this subchapter in compliance with policy and procedures promulgated by the board:

(A) An employee having direct and unsupervised contact with children;

(B) A volunteer having direct and unsupervised contact with children;

(C) A foster parent and all household members age sixteen (16) years and older;

(D) An owner having direct and unsupervised contact with children; and

(E) A member of the agency's board of directors having direct and unsupervised contact with children.

(2)(A) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that Department of Arkansas State Police criminal records checks have been initiated on all persons required to be checked and the results of the checks.

(B) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.

(3) All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check every five (5) years, except that adoptive parents shall not repeat the check after court issuance of a final decree of adoption in the adoption case for which the check was obtained.

(4) Adoptive parents shall complete background checks as required by law.

(c)(1) In compliance with federal law and regulations and with policy and

procedures promulgated by the board, each of the following persons in a child welfare agency who has not lived in Arkansas continuously for the past six (6) years shall be checked with the Federal Bureau of Investigation for convictions of the offenses listed in this subchapter:

- (A) An employee having direct and unsupervised contact with children;
- (B) A volunteer having direct and unsupervised contact with children;
- (C) A foster parent and all family members age sixteen (16) years and older;
- (D) An owner having direct and unsupervised contact with children; and
- (E) A member of the agency's board of directors having direct and unsupervised contact with children.

(2)(A) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that the Federal Bureau of Investigation's criminal records checks have been initiated on all persons required to be checked and the results of the checks.

(B) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.

(d)(1) Each person required to have a criminal records check under this subchapter shall complete a criminal records check form developed by the Department of Health and Human Services and shall sign the form that contains the following under oath before a notary public:

- (A) Certification that the subject of the check consents to the completion of the check;
- (B) Certification that the subject of the check has not been convicted of a crime and if the subject of the check has been convicted of a crime, contains a description of the crime and the particulars of the conviction;
- (C) Notification that the subject of the check may challenge the accuracy and completeness of any information in any report and obtain a prompt determination as to the validity of the challenge before a final determination is made by the board with respect to his or her employment status or licensing status;
- (D) Notification that the subject of the check may be denied a license or exemption to operate a child welfare agency or may be denied unsupervised access to children in the care of a child welfare agency due to information obtained by the check which indicates that the subject of the check has

been convicted of, or is under pending indictment for, a crime listed in this subchapter; and

(E) Notification that any background check and the results thereof shall be handled in accordance with the requirements of Pub. L. No. 92-544.

(2) The owner or operator of the child welfare agency shall submit the criminal records check form to the Identification Bureau for processing within ten (10) days of hiring the employee, who shall remain under conditional employment until the registry check and criminal records checks required under this subchapter are completed.

(3) Nothing in this section shall be construed to prevent the board from denying a license or exemption to an owner or preventing an operator or employee in a child welfare agency from having unsupervised access to children by reason of the pending appeal of a criminal conviction or child maltreatment determination.

(4) In the event a legible set of fingerprints as determined by the Department of Arkansas State Police and the Federal Bureau of Investigation cannot be obtained after a minimum of three (3) attempts by qualified law enforcement personnel, the board shall determine eligibility based upon a name check by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(5)(A) An owner or operator of a child welfare agency shall not be liable during a conditional period of service for hiring any person required to have a background check pursuant to this subchapter who may be subject to a charge of false swearing upon completion of central registry and criminal records check.

(B)(i) Pursuant to this subchapter, false swearing shall occur when a person while under oath provides false information or omits information that the person knew or reasonably should have known was material.

(ii) Lack of knowledge that information is material is not a defense to a charge of false swearing.

(C) For purposes of this subchapter, false swearing is a Class A misdemeanor.

(e)(1) Except as provided in subdivisions (d)(2) or ~~(h)(1)~~ (e)(2)(B) of this section, no person who is required to have a criminal check under subdivision (b)(1) or (c)(1) of this section shall be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any of the following offenses felony or Class A misdemeanor offense 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 or military court unless the conviction was vacated or reversed, regardless of whether the record of conviction is sealed or expunged or the conviction is pardoned.

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Manslaughter as prohibited in § 5-10-104;~~
- ~~(D) Negligent homicide as prohibited in § 5-10-105;~~
- ~~(E) Kidnapping as prohibited in § 5-11-102;~~
- ~~(F) False imprisonment in the first degree and false imprisonment in the second degree as prohibited in §§ 5-11-103 and 5-11-104;~~
- ~~(G) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(H) Battery in the first degree, battery in the second degree, and battery in the third degree as prohibited in §§ 5-13-201, 5-13-202, and 5-13-203;~~
- ~~(I) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(J) Assault in the first degree and assault in the second degree as prohibited in §§ 5-13-205 and 5-13-206;~~
- ~~(K) Terroristic threatening in the first degree and terroristic threatening in the second degree as prohibited in § 5-13-301(a) and (b);~~
- ~~(L) Any sexual offense as prohibited in § 5-14-101 et seq.;~~
- ~~(M) Permitting abuse of a child as prohibited in § 5-27-221;~~
- ~~(N) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree as prohibited in §§ 5-27-203 and 5-27-204;~~
- ~~(O) Contributing to the delinquency of a minor as prohibited in § 5-27-205;~~
- ~~(P) Engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, use of a child or consent to use of a child in sexual performance, and producing, directing, or promoting sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(Q) Incest as prohibited in § 5-26-202;~~
- ~~(R) Interference with visitation as prohibited in § 5-26-501;~~
- ~~(S) Interference with custody as prohibited in § 5-26-502;~~
- ~~(T) Engaging in conduct with respect to controlled substances as prohibited in § 5-64-401;~~
- ~~(U) Distribution to minors as prohibited in § 5-64-406;~~
- ~~(V) Public display of obscenity as prohibited in § 5-68-205;~~
- ~~(W) Prostitution as prohibited in § 5-70-102;~~
- ~~(X) Promoting prostitution in the first degree, promoting~~

prostitution in the second degree, and promoting prostitution in the third degree as prohibited in §§ 5-70-104, 5-70-105, and 5-70-106;

~~(Y) Computer child pornography as prohibited in § 5-27-603;~~

~~(Z) Computer exploitation of a child in the first degree as prohibited in § 5-27-605(a);~~

~~(AA) 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 section;~~

~~(BB) Any felony or any misdemeanor involving violence, threatened violence, or moral turpitude; and~~

~~(CC) Any former or future law of this or any other state or of the federal government which is substantially equivalent to one (1) of the aforementioned offenses.~~

(2)(A) Any person who is required to have a criminal check under subdivision (b)(1) or (c)(1) of this section who pleads guilty or nolo contendere to, or is found guilty of, any of the offenses ~~listed~~ described in subdivision (e)(1) of this section, regardless of whether the record of conviction is sealed or expunged or the conviction is pardoned unless the conviction is vacated or reversed, shall be absolutely disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or employee in a child welfare agency during the period of his or her confinement, probation, or parole supervision.

~~(B) Except as provided in subdivision (h)(1) of this section, any~~ Any person who is required to have a criminal check under subdivision (b)(1) or (c)(1) of this section who pleads guilty or nolo contendere to, or is found guilty of, any of the offenses ~~listed~~ described in subdivision (e)(1) of this section, unless the conviction is vacated or reversed, shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision. This presumption can be rebutted in the following manner:

(i)(a) The applicant must petition the board to make a determination that the applicant does not pose a risk of harm to any person.

(b) The applicant shall bear the burden of making such a showing; and

(ii) The board in its discretion may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having been convicted of an offense listed in this section upon

making a determination that the applicant does not pose a risk of harm to any person served by the facility. In making this determination, the board shall consider the following factors:

- (a) The nature and severity of the crime;
- (b) The consequences of the crime;
- (c) The number and frequency of crimes;
- (d) The relation between the crime and the health,

safety, and welfare of any person, such as:

(1) The age and vulnerability of victims of the crime;

(2) The harm suffered by the victim; and

(3) The similarity between the victim and persons served by a child welfare agency;

(e) The time elapsed without a repeat of the same or similar event;

(f) Documentation of successful completion of training or rehabilitation pertinent to the incident; and

(g) Any other information that bears on the applicant's ability to care for children or any other relevant information.

(C) The board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action and shall not be subject to review.

(f)(1) No foster child in the custody of the Department of Health and Human Services shall be placed in the home of any foster or adoptive parent if the criminal records check reveals a felony conviction for:

(A) Child abuse or neglect;

(B) Spousal abuse;

(C) A crime against children, including child pornography; or

(D) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(2) No foster child in the custody of another state agency who is placed in Arkansas shall be placed in any home if the criminal records check reveals a felony conviction of an adult in the home for:

(A) Child abuse or neglect;

(B) Spousal abuse;

(C) A crime against children, including child pornography; or

(D) A crime involving violence, including rape, sexual assault,

or homicide, but not including other physical assault or battery.

(g)(1) No foster child in the custody of the Department of Health and Human Services shall be placed in the home of any foster or adoptive parent if the criminal record check reveals a felony conviction for physical assault, battery, or a drug-related offense if the offense was committed within the past five (5) years.

(2) No foster child in the custody of another state agency who is placed in Arkansas shall be placed in any home if the criminal record check reveals a felony conviction of any adult in the home for physical assault, battery, or a drug-related offense if the offense was committed within the past five (5) years.

~~(h)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subdivision (e)(1) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (h)(2) of this section.~~

~~(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 shall result in permanent disqualification:~~

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- ~~(D) Rape as prohibited in § 5-14-103;~~
- ~~(E) Sexual assault in the first degree and second degree as prohibited in §§ 5-14-124 and 5-14-125;~~
- ~~(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree as prohibited in §§ 5-27-203 and 5-27-204;~~
- ~~(G) Incest as prohibited in § 5-26-202;~~
- ~~(H) Arson as prohibited in § 5-38-301;~~
- ~~(I) Endangering the welfare of incompetent person in the first degree as prohibited in § 5-27-201; and~~
- ~~(J) Adult abuse that constitutes a felony as prohibited in § 5-28-403.~~

SECTION 8. Arkansas Code § 17-1-103 is amended to read as follows:

17-1-103. Registration, certification, and licensing for criminal offenders.

(a)(1) It is the policy of the State of Arkansas to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the assumption of the responsibilities of citizenship.

(2) The public is best protected when offenders are given the opportunity to secure employment or to engage in a meaningful trade, occupation, or profession.

~~(b)(1)(A) Subject to the provisions of subdivision (b)(2) of this section in determining eligibility under this section, a board, commission, department, or an agency may take into consideration conviction of certain crimes that have not been annulled, expunged, or pardoned.~~

~~(B) However, such convictions shall not operate as an automatic bar to registration, certification, or licensing for any trade, profession, or occupation.~~

~~(2) The following criminal records shall not be used, distributed, or disseminated in connection with an application for a registration, license, or certificate:~~

~~(A) Records of arrest not followed by a valid felony conviction by the courts;~~

~~(B) Convictions that have been annulled or expunged or pardoned by the Governor; and~~

~~(C) Misdemeanor convictions, except misdemeanor sex offenses and misdemeanors involving violence.~~

~~(c) The board, commission, department, or agency shall state explicitly in writing the reasons for a decision that prohibits the applicant from practicing the trade, occupation, or profession if the decision is based, in whole or in part, on conviction of a felony.~~

~~(d) For the purposes of this section, completion of the following shall be deemed prima facie evidence of sufficient rehabilitation:~~

~~(1) Probation or parole supervision; and~~

~~(2) A period of five (5) years after final discharge or release from any term of imprisonment in the state penitentiary without any subsequent conviction.~~

~~(e) Any complaints concerning the violation of this section shall be adjudicated in accordance with the procedure set forth in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for administrative and judicial review.~~

~~(f)(1) This section shall apply to any board, commission, department, agency, or any other body that deals in licensing or regulating a profession, trade, or occupation in the State of Arkansas.~~

~~(2) It shall be the duty of the Secretary of State to make this section known to any board, commission, department, or agency affected by this section.~~

~~(g) This section shall not apply to teacher licensure or certification or nursing licensure and certification as governed by §§ 6-17-410 and 17-87-312 respectively.~~

(b) Except as provided in this section, and §§ 17-42-315, 17-92-317, and 17-95-307, no person who is required to have a criminal records background check under this Title 17 shall be eligible to hold a position, permit, or license if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(c) The disqualification described in subsection (b) of this section may be waived by the following entities to allow a person to hold a position, permit, or license upon a determination that the person does not pose a risk of harm to any other person served by the person holding the position, permit, or license or any person served by the:

- (1) Arkansas State Board of Public Accountancy under § 17-12-303;
- (2) Auctioneer's Licensing Board under § 17-17-312;
- (3) Professional Bail Bond Company and Professional Bail Bondsman Licensing Board under § 17-19-203;
- (4) Arkansas Board of Examiners in Counseling under § 17-27-313;
- (5) Arkansas Board of Private Investigators and Private Security Agencies under § 17-40-306;
- (6) Arkansas State Board of Nursing under § 17-87-312;
- (7) Arkansas Psychology Board under § 17-97-312; or
- (8) Arkansas Social Work Licensing Board under § 17-103-307.

(d) In making a disqualification waiver determination under subsection (c) of this section, the following factors may be considered by an entity in the list in subsection (c) of this section:

- (1) The nature and severity of the offense;
- (2) The consequences of the offense;
- (3) The number and frequency of offenses;
- (4) The relation between the crime and the health, safety, and welfare of persons served by the entity in the list in subsection (c) of this section, such as:
 - (A) The age and vulnerability of any victim of the offense;
 - (B) The harm suffered by any victim; and
 - (C) The similarity between any victim and persons served by the entity in the list in subsection (c) of this section;

(5) The time elapsed without a repeat of the same or similar offense;

(6) Documentation of successful completion of training or rehabilitation concerning the offense; and

(7) Any other relevant information.

(e) The decision of an entity in the list in subsection (c) of this section to refuse to waive disqualification from holding a position, permit, or license under this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 9. Arkansas Code § 17-12-303 is amended to read as follows:

17-12-303. Criminal background check.

(a) The Arkansas State Board of Public Accountancy may require each applicant for a new or reinstated license as a certified public accountant, including reciprocity applicants, or public accountant to apply for or authorize the board to obtain state and national criminal background checks to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(b) The criminal background checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall authorize the release of the criminal background checks to the board and shall be responsible for the payment of any fee associated with the criminal background checks.

(d) Upon completion of the criminal background checks, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the commission by the applicant of any felony or Class A misdemeanor offense ~~listed in subsection (e) of this section.~~

(e) Notwithstanding the provisions of § 17-12-301, a person convicted of a felony or ~~crime involving moral turpitude or dishonesty in any state or federal court~~ Class A misdemeanor may not receive or hold a license as a certified public accountant or public accountant unless the board waives the disqualification under § 17-1-103.

~~(f)(1) The provisions of subsection (e) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure or registration; or~~

~~(B) The person holding a license or registration subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to:~~

~~(A) The age at which the crime was committed;~~
~~(B) The circumstances surrounding the crime;~~
~~(C) The length of time since the crime;~~
~~(D) Subsequent work history;~~
~~(E) Employment references;~~
~~(F) Character references;~~
~~(G) A conviction or record that has been expunged; and~~
~~(H) Other evidence demonstrating that the applicant does not pose a threat to the public health, safety, or welfare.~~

~~(g)(1)(f)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police under this section is not available for examination except by:

(A) The affected applicant or the applicant's authorized representative; or

(B) The person whose license or registration is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

(3) Only information pertaining to the person making the request may be made available to the affected applicant or the person whose license or registration is subject to revocation.

(4) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than the criminal background checks.

~~(h)(g)~~ The board shall adopt rules and regulations to implement the provisions of this section.

SECTION 10. Arkansas Code § 17-17-312 is amended to read as follows:

17-17-312. Criminal background checks.

(a) Beginning July 16, 2003, each first-time applicant for a license issued by the Auctioneer's Licensing Board and each applicant seeking reinstatement of an expired license from the board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the applicant in the commission of any felony or Class A misdemeanor offense ~~listed in subsection (f) of this section.~~

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to, or been found guilty of, any felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103. ~~of the following offenses 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:~~

- ~~(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 a controlled substance into the 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, as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child, as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;~~
- ~~(17) Incest, as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family, as prohibited in §§ 5-26-303 - 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;~~

~~(20) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;~~

~~(21) Permitting the abuse of a child, as prohibited in § 5-27-221(a)(1) and (3);~~

~~(22) 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 - 5-27-305, 5-27-402, and 5-27-403;~~

~~(23) Felony adult abuse, as prohibited in § 5-28-103;~~

~~(24) Theft of property, as prohibited in § 5-36-103;~~

~~(25) Theft by receiving, as prohibited in § 5-36-106;~~

~~(26) Arson, as prohibited in § 5-38-301;~~

~~(27) Burglary, as prohibited in § 5-39-201;~~

~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 - 5-64-608, as prohibited in § 5-64-401;~~

~~(29) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;~~

~~(30) Stalking, as prohibited in § 5-71-229; and~~

~~(31) 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.~~

~~(g)(1) The provisions of subsection (f) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

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

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references; and~~

~~(F) Character references.~~

~~(h)(1)(g)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police under this section shall not be available for examination except by the:~~

(A) Affected applicant for licensure, or his or her authorized representative; or

(B) Person whose license is subject to revocation, or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

~~(h)~~ Any information made available to the affected applicant for licensure or to the person whose license is subject to revocation shall be information pertaining to that person only.

~~(i)~~ Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

~~(j)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

SECTION 11. Arkansas Code § 17-19-203 is amended to read as follows:

17-19-203. Character references.

(a) Each applicant for a professional bail bondsman license shall:

(1) File with the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board written statements from at least three (3) persons who know his or her character;

(2)(A) Be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and nationwide criminal records check to be conducted by the Federal Bureau of Investigation.

(B) The criminal records check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(C) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal records check.

(D) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the applicant to the board.

(E) At the conclusion of the criminal background check required by this subdivision (2), the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant; and

(3) Such other proof as the board may require that he or she is competent, trustworthy, financially responsible, and of good personal and business reputation and has not been convicted of a felony or ~~any~~ Class A misdemeanor offense ~~involving moral turpitude~~.

(b) No person shall be eligible to receive or hold a license issued by the

board if that person has pleaded guilty or nolo contendere to, or been found guilty of, a felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103.

SECTION 12. Arkansas Code § 17-27-301(4), concerning the eligibility for a license as a licensed professional counselor, is amended to read as follows:

(4) The applicant has applied for a criminal background check and has not been found guilty of, or pleaded guilty or nolo contendere to, any of the offenses listed described in § 17-27-313(f) (e);

SECTION 13. Arkansas Code § 17-27-309(b), concerning suspension or revocation of the license of a licensed professional counselor, is amended to read as follows:

(b) The board shall revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense ~~listed~~ described in § 17-27-313(f) (e) unless the person requests and the board grants a waiver pursuant to ~~§ 17-27-313(h)~~ § 17-1-103.

SECTION 14. Arkansas Code § 17-27-313 is amended to read as follows:

17-27-313. Criminal background checks.

(a) The Arkansas Board of Examiners in Counseling may require each applicant for license renewal and each first-time applicant for a license issued by the board to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.

(e) No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103. ~~any of the following offenses 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:~~

~~(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 as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 - 5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303 - 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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 - 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(23) Felony adult abuse as prohibited in § 5-28-103;~~
- ~~(24) Theft of property as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(26) Arson as prohibited in § 5-38-301;~~

~~(27) Burglary as prohibited in § 5-39-201;~~

~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101-5-64-608 as prohibited in § 5-64-401;~~

~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(30) Stalking as prohibited in § 5-71-229;~~

~~(31) 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;~~

~~(32) Computer child pornography as prohibited in § 5-27-603; and~~

~~(33) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(f)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding such a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (e) of this section, the board shall immediately revoke the provisional license unless the board waives the disqualification under § 17-1-103.

~~(g)(1) The provisions of subsections (e) and (f) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

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

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

(h)(1)(g)(1) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by:

(A) The affected applicant for licensure, or his or her authorized representative; or

(B) The person whose license is subject to revocation, or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

~~(h)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(i)~~ Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

~~(j)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

SECTION 15. Arkansas Code § 17-40-306 is amended to read as follows:

17-40-306. License - Applicant qualifications.

(a) Unless the requirement is waived by the Arkansas Board of Private Investigators and Private Security Agencies, an applicant for a license or his or her manager must:

(1) Be at least twenty-one (21) years of age;

(2) Be a high school graduate or its equivalent if the applicant is a manager of an investigations company or an individual applying for an investigations company license;

(3) Not have been found guilty of or pleaded guilty or nolo contendere to any: felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103;

~~(A) Felony, Class A misdemeanor, crime involving an act of violence, or any crime involving moral turpitude in any court in the State of Arkansas for which a pardon has not been granted;~~

~~(B) Felony, Class A misdemeanor or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in any court in another state for which a pardon has not been granted; or~~

~~(C) Felony, Class A misdemeanor or an offense of a comparable level, crime involving an act of violence, or any crime involving moral turpitude in a military or federal court for which a pardon has not been granted;~~

(4) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not have been restored;

(5) Not be suffering from habitual drunkenness or from narcotics addiction or dependence;

(6) Not have been discharged from the armed services of the United States under other than honorable conditions;

(7) Be of good moral character; and

(8) Be in compliance with any other reasonable qualifications that the board may fix by rule.

(b)(1) An applicant who applies for a license to engage in the business of an investigations company or his or her manager shall have:

(A) Two (2) consecutive years' experience prior to the date of the application in the investigative field as an agent, employee, manager, or owner of an investigations company;

(B) Been licensed under Acts 1965, No. 447 [repealed];

(C) Two (2) years' experience as a licensed bail bondsman and a baccalaureate degree from a four-year institution of higher education; or

(D) Satisfied such other requirements as may be set by the board.

(2) The experience of the applicant must be reviewed by the board and determined to be adequate to qualify the applicant to engage in the business of an investigations company.

(c) An applicant who applies for a license to engage in the business of a security services contractor or his or her manager shall have two (2) consecutive years' experience prior to the date of application in the security services field as an agent, employee, manager, or owner of a security services contractor company, or the applicant or his or her manager shall have been licensed under Acts 1973, No. 605 [repealed], or shall satisfy such other requirements as may be set by the board.

SECTION 16. Arkansas Code § 17-42-315(f), concerning eligibility for a license issued by the Arkansas Real Estate Commission, is amended to read as follows:

(f) Except as provided in subsection (g) of this section, a person shall not receive or hold a license issued by the commission if the person has been convicted of a felony or Class A misdemeanor offense or a crime involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

SECTION 17. Arkansas Code § 17-87-309(b), concerning the issuance and revocation of a license issued by the Arkansas State Board of Nursing, is amended to read as follows:

(b) The board shall refuse to issue or shall revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense ~~listed in § 17-87-312(f)~~ described in § 17-87-312(e), unless the person requests and the board

grants a waiver pursuant to ~~§ 17-87-312(h)~~ § 17-1-103.

SECTION 18. Arkansas Code § 17-87-312 is amended to read as follows:

17-87-312. Criminal background checks.

(a) Each first-time applicant for a license issued by the Arkansas State Board of Nursing shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the applicant in the commission of any offense listed in subsection (e) of this section.

(e) ~~Except as provided in subdivision (l)(1) of this section, no~~ No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or has been found guilty of any felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103 of the following offenses 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:

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

~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 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 a controlled substance into the 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 as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 - 5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303 - 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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 - 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(23) Felony adult abuse as prohibited in § 5-28-103;~~
- ~~(24) Theft of property as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(26) Arson as prohibited in § 5-38-301;~~
- ~~(27) Burglary as prohibited in § 5-39-201;~~
- ~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 - 5-64-608 as prohibited in § 5-64-401;~~
- ~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~
- ~~(30) Stalking as prohibited in § 5-71-229;~~
- ~~(31) 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;~~
- ~~(32) Computer child pornography as prohibited in § 5-27-603; and~~
- ~~(33) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(f)(1)(A) The board may issue a nonrenewable temporary permit for licensure to a first-time applicant pending the results of the criminal background check.

(B) The permit shall be valid for no more than six (6) months.

(2) ~~Except as provided in subdivision (l)(1) of this section, upon~~ Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding the letter of provisional licensure has pleaded guilty or nolo contendere to, or has been found guilty of, any offense listed in subsection (e) of this section, the board shall immediately revoke the provisional license unless the board waives the disqualification under § 17-1-103.

~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this section may be waived by the board upon the request of:~~

- ~~(A) An affected applicant for licensure; or~~
- ~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

- ~~(A) The age at which the crime was committed;~~
- ~~(B) The circumstances surrounding the crime;~~
- ~~(C) The length of time since the crime;~~
- ~~(D) Subsequent work history;~~
- ~~(E) Employment references;~~
- ~~(F) Character references; and~~
- ~~(G) Other evidence demonstrating that the applicant does not~~

~~pose a threat to the health or safety of the public.~~

~~(h)(1)(g)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by:

(A) The affected applicant for licensure or his or her authorized representative; or

(B) The person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the Department of Arkansas State Police.

~~(i)(h)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(i)(i)~~ Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

~~(k)(j)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

~~(l)(1) For purposes of this section, an expunged record of a conviction or a plea of guilty or nolo contendere to an offense listed in subsection (e) of this section~~

shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (l)(2) of this section.

~~(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 shall result in permanent disqualification:~~

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- ~~(D) Rape as prohibited in § 5-14-103;~~
- ~~(E) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- ~~(F) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-204;~~
- ~~(G) Incest as prohibited in § 5-26-202;~~
- ~~(H) Arson as prohibited in § 5-38-301;~~
- ~~(I) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201; and~~
- ~~(J) Adult abuse that constitutes a felony as prohibited in § 5-28-103.~~

SECTION 19. Arkansas Code § 17-92-317(e), concerning eligibility for a new intern or pharmacist license or a new or reinstated registration as a pharmacy technician issued by the Arkansas State Board of Pharmacy, is amended to read as follows:

(e) Notwithstanding the provisions of § 17-1-103, no person shall be eligible to receive or hold an intern or pharmacist license or pharmacy technician registration issued by the board if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any of the following offenses, regardless of whether an adjudication of guilt or sentencing or imposition of sentence is withheld, 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 or military court, regardless of whether the record of conviction is sealed or expunged or the conviction is pardoned:

- (1) Any felony or Class A misdemeanor;
- (2) Any act involving moral turpitude, gross immorality, dishonesty, or which is related to the qualifications, functions, and duties of a person holding the license or registration; or
- (3) Any violation of Arkansas pharmacy or drug law or regulations,

including, but not limited to, this chapter, ~~the Uniform Controlled Substances Act, § 5-64-101 et seq.~~, and the Food, Drug, and Cosmetic Act, § 20-56-201 et seq.

SECTION 20. Arkansas Code § 17-95-307 is amended to read as follows:

17-95-307. License eligibility.

No person shall be eligible to receive or hold a license to practice medicine or another health care profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of either an infamous crime that would impact his or her ability to practice medicine in the State of Arkansas or a felony or Class A misdemeanor offense, regardless of whether the record of conviction has been sealed, or expunged, or the conviction is pardoned.

SECTION 21. Arkansas Code § 17-97-310(b), concerning the issuance and revocation of a license issued by the Arkansas Psychology Board, is amended to read as follows:

(b) The board shall refuse to issue or revoke the license of any person who has been found guilty of or pleaded guilty or nolo contendere to any of the offenses ~~listed~~ described in § 17-97-312(f) unless the person requests and the board grants a waiver pursuant to ~~§ 17-97-312(h)~~ § 17-1-103.

SECTION 22. Arkansas Code § 17-97-312 is amended to read as follows:

17-97-312. Criminal background checks.

(a) Each first-time applicant for a license issued by the Arkansas Psychology Board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section.

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) ~~Except as provided in subdivision (m)(1) of this section, no~~ No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any felony or Class A

~~misdemeanor offense unless the board waives the disqualification under § 17-1-103. of the following offenses 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:~~

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 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 a controlled substance into the 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 as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 - 5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303 - 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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 - 5-27-305, 5-27-402, and 5-27-403;~~

- ~~(23) Felony adult abuse as prohibited in § 5-28-103;~~
- ~~(24) Theft of property as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(26) Arson as prohibited in § 5-38-301;~~
- ~~(27) Burglary as prohibited in § 5-39-201;~~
- ~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101-5-64-608 as prohibited in § 5-64-401;~~
- ~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~
- ~~(30) Stalking as prohibited in § 5-71-229;~~
- ~~(31) 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;~~
- ~~(32) Computer child pornography as prohibited in § 5-27-603; and~~
- ~~(33) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(2) ~~Except as provided in subdivision (m)(1) of this section, upon~~ Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed described in subsection (f) of this section, the board shall immediately revoke the provisional license unless the board waives the disqualification under § 17-1-103.

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

- ~~(A) An affected applicant for licensure; or~~
- ~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

- ~~(A) The age at which the crime was committed;~~
- ~~(B) The circumstances surrounding the crime;~~
- ~~(C) The length of time since the crime;~~
- ~~(D) Subsequent work history;~~
- ~~(E) Employment references;~~
- ~~(F) Character references; and~~
- ~~(G) Other evidence demonstrating that the applicant does not~~

~~pose a threat to the health or safety of children.~~

~~(i)(4)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

~~(2)~~ No record, file, or document shall be removed from the custody of the department.

~~(i)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

~~(k)(k)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

~~(m)(1)~~ For purposes of this section, an expunged record of a conviction or plea of guilty of or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (m)(2) of this section.

~~(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 shall result in permanent disqualification:

- ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- ~~(D)~~ Rape as prohibited in § 5-14-103;
- ~~(E)~~ Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- ~~(F)~~ Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-204;
- ~~(G)~~ Incest as prohibited in § 5-26-202;
- ~~(H)~~ Arson as prohibited in § 5-38-301;
- ~~(I)~~ Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201; and
- ~~(J)~~ Adult abuse that constitutes a felony as prohibited in § 5-28-103.

SECTION 23. Arkansas Code § 17-103-305(b), concerning the issuance and revocation of a license issued by the Arkansas Social Work Licensing Board, is amended to read as follows:

(b) The board shall refuse to issue or revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense ~~listed~~ described in § 17-103-307(f) unless the person requests and the board grants a waiver pursuant to ~~§ 17-103-307(h)~~ § 17-1-103.

SECTION 24. Arkansas Code § 17-103-307 is amended to read as follows:

17-103-307. Criminal background checks.

(a) Each first-time applicant for a license issued by the Arkansas Social Work Licensing Board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.

(b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section.

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) ~~Except as provided in subdivision (m)(1) of this section, no~~ No person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any felony or Class A misdemeanor offense unless the board waives the disqualification under § 17-1-103 ~~of the following offenses 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:~~

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

~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 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 a controlled substance into the 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 as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124-5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303-5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting abuse of a child as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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 §§ 5-27-303-5-27-305, 5-27-402, and 5-27-403;~~
- ~~(23) Felony adult abuse as prohibited in § 5-28-103;~~
- ~~(24) Theft of property as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(26) Arson as prohibited in § 5-38-301;~~
- ~~(27) Burglary as prohibited in § 5-39-201;~~
- ~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101-5-64-608, as prohibited in § 5-64-401;~~
- ~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~
- ~~(30) Stalking as prohibited in § 5-71-229;~~

~~(31) 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;~~

~~(32) Computer child pornography as prohibited in § 5-27-603; and~~

~~(33) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(2) ~~Except as provided in subdivision (m)(1) of this section, upon~~ Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding such a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed described in subsection (f) of this section, the board shall immediately revoke the provisional license unless the board waives the disqualification under § 17-1-103.

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

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

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(h)~~ (h) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative. No record, file, or document shall be removed from the custody of the department.

~~(i)~~ (i) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

~~(k)~~ The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

~~(m)(1)~~ For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (m)(2) of this section.

~~(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 shall result in permanent disqualification:

- ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- ~~(D)~~ Rape as prohibited in § 5-14-103;
- ~~(E)~~ Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- ~~(F)~~ Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-204;
- ~~(G)~~ Incest as prohibited in § 5-26-202;
- ~~(H)~~ Arson as prohibited in § 5-38-301;
- ~~(I)~~ Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201; and
- ~~(J)~~ Adult abuse that constitutes a felony as prohibited in § 5-28-103.

SECTION 25. Arkansas Code § 20-13-1106 is amended to read as follows:

20-13-1106. Disqualifying offenses - Waiver.

(a) Except as provided in ~~subdivision (e)(1)~~ subsection (b) of this section, the Division of EMS and Trauma Systems of the Division of Health of the Department of Health and Human Services shall issue a determination that a person is disqualified from certification or recertification if the person has been found guilty of or has pleaded guilty or nolo contendere to any ~~of the offenses listed in subsection (b) of this section, including offenses for which the record has been expunged~~ felony or Class A misdemeanor offense in any court in the State of Arkansas or of any similar offense in a court of another state or of any similar offense in a federal court or military court, regardless of whether the record of conviction is sealed or expunged

or the conviction is pardoned. However, the Division of EMS and Trauma Systems shall forward a request for a waiver to the Director of the Division of Health of the Department of Health and Human Services on all applicants who have been convicted of ~~the crimes listed in subsection (b) of this section~~ any felony or Class A misdemeanor offense if five (5) years have passed since the conviction, if five (5) years have passed since release from custodial confinement, or if the applicants are currently certified emergency medical technicians, prior to making the final determination on certification or recertification. These individuals will not be suspended prior to the director's making the final determination.

- ~~(b)(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 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 the body of another person as prohibited in § 5-13-210;~~
- ~~(13) Terroristic threatening in the first degree as prohibited in § 5-13-301(a);~~
- ~~(14) Rape as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303 – 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting child abuse as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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, 5-27-305, 5-27-402, and 5-27-403;~~

~~(23) Felony adult abuse as prohibited in § 5-28-103;~~

~~(24) Theft of property as prohibited in § 5-36-103;~~

~~(25) Theft by receiving as prohibited in § 5-36-106;~~

~~(26) Arson as prohibited in § 5-38-301;~~

~~(27) Burglary as prohibited in § 5-39-201;~~

~~(28) Felony violation of the Uniform Controlled Substances Act, § 5-64-101, 5-64-608, as prohibited in § 5-64-401;~~

~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(30) Stalking as prohibited in § 5-71-229;~~

~~(31) 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;~~

~~(32) Fourth or subsequent driving while intoxicated violations that constitute felony offenses under § 5-65-111(b)(3) and (4);~~

~~(33) Computer child pornography as prohibited in § 5-27-603; and~~

~~(34) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

~~(e)(b)~~ An applicant shall not be disqualified from certification or recertification when the applicant has been found guilty of or has pleaded guilty or nolo contendere to a misdemeanor if the offense:

(1) Did not involve exploitation of an adult, abuse of a person, neglect of a person, or sexual contact; or

(2) Was not committed while performing the duties of an emergency medical technician.

~~(d)(1)(c)(1)~~ The provisions of this section may be waived by the Department of Health and Human Services upon written request by the person who is the subject of the criminal history check.

(2) The written request for waiver shall be mailed to the director within fifteen (15) calendar days after receipt of the determination by the Division of Health of the Department of Health and Human Services.

(3) Factors to be considered before granting a waiver shall include, but not be limited to:

- (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; and
- (G) Any other evidence demonstrating that the person does not

pose a threat to the health or safety of persons to be cared for.

~~(e)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (b) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (e)(2) of this section.~~

~~(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 shall result in permanent disqualification:~~

- ~~(A) Capital murder as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~
- ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- ~~(D) Rape as prohibited in § 5-14-103;~~
- ~~(E) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- ~~(F) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203 and endangering the welfare of a minor in the second degree as prohibited in § 5-27-204;~~
- ~~(G) Incest as prohibited in § 5-26-202;~~
- ~~(H) Arson as prohibited in § 5-38-301;~~
- ~~(I) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201; and~~
- ~~(J) Adult abuse that constitutes a felony as prohibited in § 5-28-403.~~

SECTION 26. Arkansas Code § 20-13-1111 is amended to read as follows:

20-13-1111. Notice of convictions.

An Arkansas-certified emergency medical technician shall notify the Division of EMS and Trauma Systems of the Division of Health of the Department of Health and Human Services of any conviction of or plea of guilty or nolo contendere to any offenses ~~listed in § 20-13-1106(b)~~ described in § 20-13-1106(a) within ten (10) calendar days after the conviction or guilty plea or plea of nolo contendere.

SECTION 27. Arkansas Code § 20-33-205 is amended to read as follows:

20-33-205. Provisional licenses - Disqualification from employment - Resubmission of applications - Denial or revocation - Penalties.

(a) Except as provided in subsection ~~(c)~~, ~~subsection (d)~~, or ~~subsection (f)~~ (b) of this section:

(1) A licensing agency shall issue a forty-five-day provisional license to a qualified entity whose operator has been found guilty or has pleaded guilty or nolo contendere to any of the offenses listed in subsection (b) of this section;

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

(3)(A) A qualified entity 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) Except as provided in subsection ~~(c)~~, ~~subsection (d)~~, or ~~subsection (f)~~ (b) of this section:

~~(i)~~—A a licensing agency shall issue a forty-five-day provisional license to a qualified entity whose operator has been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in subsection (b) of this section; ~~and~~.

~~(ii)~~—A licensing agency shall issue a determination that a person is disqualified from employment with a qualified entity if the person has been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in subsection (b) of this section. A requesting agency shall issue a determination that a person or ElderChoices provider is disqualified from providing care to the elderly or to an individual with a disability, or both, if the person or provider has been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in subsection (b) of this section.

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

~~(2)~~ Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 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 as prohibited in §§ 5-13-201 – 5-13-203;~~
- ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(12) Introduction of controlled substance into the body of another person as prohibited in § 5-13-210;~~
- ~~(13) Terroristic threatening in the first degree as prohibited in § 5-13-301(a);~~
- ~~(14) Rape as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;~~
- ~~(17) Incest as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family as prohibited in §§ 5-26-303 – 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(21) Permitting child abuse as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) 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 – 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(23) Felony adult abuse as prohibited by § 5-28-103;~~
- ~~(24) Theft of property as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving as prohibited in § 5-36-106;~~
- ~~(26) Arson as prohibited in § 5-38-301;~~
- ~~(27) Burglary as prohibited in § 5-39-201;~~
- ~~(28) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 – § 5-64-608, as prohibited in § 5-64-401;~~
- ~~(29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~
- ~~(30) Stalking as prohibited in § 5-71-229;~~
- ~~(31) 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;

~~(32) Forgery as prohibited in § 5-37-201;~~

~~(33) Breaking or entering as prohibited in § 5-39-202;~~

~~(34) Obtaining a controlled substance by fraud as prohibited in § 5-64-403;~~

~~(35) Computer child pornography as prohibited in § 5-27-603; and~~

~~(36) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

~~(c) A qualified entity that is issued a provisional license based on the criminal history of the operator may resubmit the application for licensure with a new operator. If the qualified entity does not resubmit the application within fifteen (15) days of the issuance of the provisional license, then the qualified entity's license shall be immediately denied or revoked.~~

~~(d)(1) The provisions of this section shall not be waived by the licensing or requesting agency.~~

~~(2)(A) Except as provided in subdivision (d)(2)(B) of this section, a conviction or plea of guilty or nolo contendere for a felony or misdemeanor offense listed in subsection (b) of this section shall not disqualify an applicant for employment if the date of conviction of the offense is at least ten (10) years from the date of the application and the individual has no criminal convictions of any type or nature during the ten-year period.~~

~~(B) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification of employment:~~

~~(i) Capital murder as prohibited in § 5-10-101;~~

~~(ii) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;~~

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

~~(iv) Rape as prohibited in § 5-14-103;~~

~~(v) Sexual assault in the first degree as prohibited in § 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

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

~~(vii) Felony adult abuse as prohibited by § 5-28-103; and~~

~~(viii) Arson as prohibited in § 5-38-301.~~

(b)(1) Except as provided in subsections (c) and (e) of this section, no person who is required to have a criminal records background check under this section shall be eligible to hold a position, provisional license, or license if that person has

pleaded guilty or nolo contendere to, or has been found guilty of, any felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(2)(A) Except as provided in subsections (c) and (e) of this section, a licensing agency shall issue a determination that a person is disqualified from employment with a qualified entity if the person has been found guilty of or pleaded guilty or nolo contendere to any felony or Class A misdemeanor offense, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(B) Except as provided in subsections (c) and (e) of this section, a requesting agency shall issue a determination that a person or ElderChoices provider is disqualified from providing care to the elderly or to an individual with a disability, or both, if the person or provider has been found guilty of or pleaded guilty or nolo contendere to any felony or Class A misdemeanor offense, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

(c)(1) The licensing agency or requesting agency may waive the disqualification described in subsection (b) of this section and allow a person to hold a position, provisional license, or license upon making a determination that the person does not pose a risk of harm to any other person served by the licensing agency or requesting agency or persons to be served by the person holding the position, provisional license, or license.

(2) In making a disqualification waiver determination under subdivision (c)(1) of this section, the licensing agency or requesting agency may consider the following factors:

(A) The nature and severity of the offense;

(B) The consequences of the offense;

(C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served by the licensing agency or requesting agency, such as:

(i) The age and vulnerability any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the licensing agency or requesting agency;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(d) The decision of the licensing agency or requesting agency to refuse to waive disqualification from holding a position, provisional license, or license under subsection (c) of this section shall constitute the final administrative agency action and shall not be subject to review.

(e)(1) A qualified entity shall not be disqualified from licensure when the operator 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.

(2) An applicant, ElderChoices provider, or employee shall not be disqualified from permanent employment or providing care to the elderly or to an individual with a disability, or both, when the applicant, provider, 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.

~~(f) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (b) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (d)(2)(B) of this section.~~

~~(g)(f)~~ If an operator or qualified entity fails or refuses to cooperate in obtaining criminal records checks, such circumstances shall be grounds to deny or revoke the qualified entity's license or other operating authority, provided the process of obtaining criminal records checks shall not delay the process of the application for a license or other operational authority.

~~(h)(g)~~ Any unlicensed qualified entity violating this subchapter shall be guilty of a Class A misdemeanor for each violation.

(i)(h) To the extent that there is any conflict with § 17-1-103, this section shall supersede § 17-1-103.

~~(j)(i)~~ This section shall not apply to teacher licensure or certification or nursing licensure and certification as governed by §§ 6-17-410 and 17-87-312, respectively.

SECTION 28. Arkansas Code § 20-78-604 is amended to read as follows:

20-78-604. Qualifications for child care ownership, operation, or employment.

(a) Without proof of rehabilitation as provided in subsection (b) of this section, no person shall be eligible to be a child care facility owner, operator, or employee in a licensed or church-operated exempt facility if that person has pleaded guilty or nolo contendere to or has been found guilty of any of the following offenses felony or Class A misdemeanor offense 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 or military court, regardless of whether the record of conviction is sealed or expunged or the conviction is pardoned.:

- ~~(1) Capital murder as prohibited in § 5-10-101;~~
- ~~(2) Murder in the first and second degrees as prohibited in §§ 5-10-102 and 5-10-103;~~
- ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- ~~(4) Battery in the first and second degrees as prohibited in §§ 5-13-201 and 5-13-202;~~
- ~~(5) Aggravated assault as prohibited in § 5-13-204;~~
- ~~(6) Terroristic threatening in the first degree as prohibited in § 5-13-301;~~
- ~~(7) Kidnapping as prohibited in § 5-11-102;~~
- ~~(8) False imprisonment in the first degree as prohibited in § 5-11-103;~~
- ~~(9) Permanent detention or restraint as prohibited in § 5-11-106;~~
- ~~(10) Rape as prohibited in § 5-14-103;~~
- ~~(11) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;~~
- ~~(12) Incest as prohibited in § 5-26-202;~~
- ~~(13) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-203;~~
- ~~(14) Permitting child abuse as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(15) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, 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, 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(16) Distribution to minors as prohibited in § 5-64-406;~~
- ~~(17) Manufacture, delivery, or possession with intent to manufacture or deliver any controlled substance as prohibited in § 5-64-401;~~
- ~~(18) Sexual indecency with a child as prohibited in § 5-14-110;~~
- ~~(19) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;~~

- ~~(20) Negligent homicide as prohibited by § 5-10-105;~~
- ~~(21) Assault in the first degree as prohibited by § 5-13-205;~~
- ~~(22) Coercion as prohibited by § 5-13-208;~~
- ~~(23) Sexual misconduct as prohibited by § 5-14-107 [repealed];~~
- ~~(24) Public sexual indecency as prohibited by § 5-14-111;~~
- ~~(25) Indecent exposure as prohibited by § 5-14-112;~~
- ~~(26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-204;~~
- ~~(27) Any felony or any misdemeanor involving violence or sexual misconduct;~~
- ~~(28) Criminal attempt, 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 section;~~
- ~~(29) Computer child pornography as prohibited in § 5-27-603; and~~
- ~~(30) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.~~

(b)(1) Any person pleading guilty or nolo contendere or found guilty of any of the offenses ~~listed~~ described in subsection (a) of this section shall be absolutely disqualified to be an owner, operator, or employee in a child care facility, licensed or church-operated exempt, during the period of that person's confinement, probation, or parole.

(2)(A) Any person pleading guilty or nolo contendere or found guilty of any of the offenses ~~listed~~ described in subsection (a) of this section shall be presumed to be disqualified to be an owner, operator, or employee in a child care facility, licensed or church-operated exempt, after the completion of that person's term of confinement, probation, or parole.

(B)(i)(a) The applicant to own, operate, or be an employee in a licensed or church-operated exempt facility must petition the Division of Child Care and Early Childhood Education to make a determination that five (5) years have passed since the date of conviction or plea of guilty or nolo contendere and that the applicant does not pose a risk of harm to any person served by the facility.

(b) The applicant shall bear the burden of making that showing.

(ii) The division, in its discretion, may permit the applicant to own, operate, or be an employee in a child care facility, licensed or church-operated exempt, upon making a determination that five (5) years have passed since the date of conviction or plea of guilty or nolo contendere and that the applicant does not pose a risk of harm to any person served by the facility.

SECTION 29. Arkansas Code § 21-15-102 is amended to read as follows:

21-15-102. Positions involving direct contact with children and with mentally ill and developmentally disabled persons.

(a)(1)(A) When a person applies for employment with a state agency in a designated position and if the state agency intends to make an offer of employment to the applicant, the applicant shall complete a criminal history check form and a central registry check form obtained from the state agency and shall submit the form to the state agency as part of the application process.

(B) If the state agency intends to make an offer of employment to the applicant, the state agency within five (5) days of the decision shall forward:

(i)(a) The criminal history check form to the Identification Bureau of the Department of Arkansas State Police and request the bureau to review the bureau's database of criminal history.

(b) Within three (3) days of the receipt of a request to review the database, the bureau shall notify the state agency if the database contains any criminal history records on the applicant; and

(ii)(a) The central registry check form to the Child Maltreatment Central Registry, the Adult and Long-Term Care Facility Resident Maltreatment Central Registry, and the Certified Nursing Assistant/Employment Clearance Registry for a central registry check.

(b) The state agency shall pay any fee associated with the central registry check on behalf of the applicant.

(c) Within three (3) days of the receipt of a request for a central registry check, the central registry shall notify the state agency if the database contains any information naming the applicant as an offender or perpetrator of child or adult abuse.

(2) If no criminal history or central registry records regarding the applicant are found in the database, then the state agency may make an offer of temporary employment to the applicant while the bureau completes a criminal history check and the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(3)(A) If a criminal history record regarding the applicant is found in the bureau's database, then the applicant is temporarily disqualified from employment until the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that the applicant is not disqualified, then the state agency may continue to temporarily employ the applicant while the bureau completes a criminal history check.

(4) If an applicant has been named as an offender or perpetrator in a true, substantiated, or founded report from the Child Maltreatment Central Registry, the Adult and Long-Term Care Facility Resident Maltreatment Central Registry, or the Certified Nursing Assistant/Employment Clearance Registry, the applicant shall be immediately disqualified.

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

(2) If the state agency can verify that the applicant has been employed by a state agency in a designated position within sixty (60) days before the application or has lived continuously in the State of Arkansas for the past five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(c)(1) Upon completion of a criminal history check on an applicant, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that an applicant is disqualified from employment, then the state agency shall deny employment to the applicant.

(d) When a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) Before making a temporary or permanent offer of employment in a designated position, a state agency shall inform applicants that:

(1) Continued employment is contingent upon the results of a criminal history check and a central registry check; and

(2) The applicant has the right to obtain a copy of his or her:

(A) Criminal history report from the bureau; and

(B) Central registry report from the registries.

(f) Except as provided in ~~subdivision (g)(2)~~ subsection (g) of this section, no person shall be eligible for employment with a state agency in a designated position if that person has pleaded guilty or nolo contendere to, or been found guilty of, any ~~of the following offenses~~ felony or Class A misdemeanor offense 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 or military court unless the conviction was vacated or reversed, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.

- ~~(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, as prohibited in § 5-14-103;~~
- ~~(15) Sexual indecency with a child, as prohibited in § 5-14-110;~~
- ~~(16) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;~~
- ~~(17) Incest, as prohibited in § 5-26-202;~~
- ~~(18) Offenses against the family, as prohibited in §§ 5-26-303 - 5-26-306;~~
- ~~(19) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;~~
- ~~(20) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;~~
- ~~(21) Permitting abuse of a child, as prohibited in § 5-27-221(a)(1) and (3);~~
- ~~(22) Engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, pandering, or possessing visual or print medium depicting sexually explicit conduct involving a child, or the use of a child or consent to the 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 - 5-27-305, 5-27-402, and 5-27-403;~~
- ~~(23) Adult abuse that constitutes a felony, as prohibited in § 5-28-103;~~
- ~~(24) Theft of property, as prohibited in § 5-36-103;~~
- ~~(25) Theft by receiving, as prohibited in § 5-36-106;~~

- ~~(26) Arson, as prohibited in § 5-38-301;~~
- ~~(27) Burglary, as prohibited in § 5-39-201;~~
- ~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 - 5-64-608, as prohibited in § 5-64-401;~~
- ~~(29) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;~~
- ~~(30) Stalking, as prohibited in § 5-71-229;~~
- ~~(31) Computer child pornography, as prohibited in § 5-27-603;~~
- ~~(32) Computer exploitation of a child in the first degree, as prohibited in § 5-27-605; or~~
- ~~(33) 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.~~

~~(g)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction or a plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (g)(2) of this section.~~

~~(2) Because of the serious nature of the following offenses and the close relationship between the following offenses and the type of work that is to be performed by the applicant, a conviction of one (1) or more of the following offenses by an applicant shall result in permanent disqualification from employment in a designated position:~~

- ~~(A) Capital murder, as prohibited in § 5-10-101;~~
- ~~(B) Murder in the first degree and murder in the second degree, as prohibited in §§ 5-10-102 and 5-10-103;~~
- ~~(C) Kidnapping, as prohibited in § 5-11-102;~~
- ~~(D) Rape, as prohibited in § 5-14-103;~~
- ~~(E) Sexual assault in the first degree and second degree, as prohibited in §§ 5-14-124 and 5-14-125;~~
- ~~(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;~~
- ~~(G) Incest, as prohibited in § 5-26-202;~~
- ~~(H) Arson, as prohibited in § 5-38-301;~~
- ~~(I) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201; or~~
- ~~(J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103.~~

(g)(1) A state agency may waive the disqualification described in subsection (f) of this section and allow a person to be employed with the state agency in a designated position upon making a determination that the person does not pose a risk of harm to any other person served by the state agency or persons to be served by the person holding the position of employment.

(2) In making a disqualification waiver determination under subdivision (g)(1) of this section, the state agency may consider the following factors:

(A) The nature and severity of the offense;

(B) The consequences of the offense;

(C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served the state agency, such as:

(i) The age and vulnerability any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the state agency;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(h) The decision of the state agency to refuse to waive disqualification from holding a position of employment under subsection (g) of this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 30. Arkansas Code § 21-15-103 is amended to read as follows:

21-15-103. Deadline - Scope of check - Report - Notice - Discharge for persons in designated positions.

(a)(1)(A) State agencies shall ensure that all employees in designated positions will have applied for criminal history checks by October 1, 2000, and shall adopt a rule that prescribes how criminal background checks on incumbent employees will be phased in over the period of time prior to July 1, 2000.

(B) An incumbent employee in a designated position shall have a subsequent criminal background check completed within five (5) years of the initial criminal background check and every five (5) years thereafter.

(2)(A) State agencies shall ensure that all employees in designated positions will have applied for central registry checks by October 1, 2002, and shall adopt a rule that prescribes how central registry checks on incumbent employees will be phased in over the period of time prior to July 1, 2002.

(B) An incumbent employee in a designated position shall have subsequent central registry checks completed within five (5) years of the initial central registry check and every five (5) years thereafter.

(3) In accordance with subdivisions (a)(1) and (2) of this section, each employee of a state agency in a designated position shall complete a criminal history check form and a central registry check form obtained from the state agency and shall submit the form to the state agency. The state agency shall forward:

(A)(i) The criminal history check form to the Identification Bureau of the Department of Arkansas State Police.

(ii) The state agency shall pay any fee associated with the criminal history check on behalf of the employee; and

(B)(i) The central registry check to the Child Maltreatment Central Registry, the Adult and Long-Term Care Facility Resident Maltreatment Central Registry, and the Certified Nurses Assistants Central Registry for a review of the registry databases.

(ii) The state agency shall pay any fee associated with the central registry checks.

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

(2) If the state agency can verify that the applicant has been employed by a state agency in a designated position within sixty (60) days before the application or has lived continuously in the State of Arkansas for the past five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(c)(1) Upon completion of a criminal history check on an employee, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the employee is disqualified from employment under subsection (g) of this section.

(B) If the state agency determines that an employee is disqualified from employment, then the state agency shall discharge the employee.

(d) When a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) If a waiver applicant has been named as an offender or perpetrator in a true, substantiated, or founded report from the Child Maltreatment Central Registry, the Adult and Long-Term Care Facility Resident Maltreatment Central Registry, or the Certified Nursing Assistant/Employment Clearance Registry, the state agency shall discharge the employee.

(f) A state agency shall inform all employees in designated positions that:

(1) Continued employment is contingent upon the results of a criminal history check and a central registry check; and

(2) The employee has the right to obtain a copy of his or her:

(A) Criminal history report from the bureau; and

(B) Central registry report from the registries.

(g) Except as provided in ~~subdivision (h)(1)~~ subsection (h) of this section, a state agency shall discharge from employment in a designated position any person who has pleaded guilty or nolo contendere to, or been found guilty of, any ~~of the following offenses~~ felony or Class A misdemeanor offense 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 or military court unless the conviction was vacated or reversed, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.:

~~(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, as prohibited in § 5-14-103;~~

~~(15) Sexual indecency with a child, as prohibited in § 5-14-110;~~

~~(16) Sexual assault in the first degree, second degree, third degree, or fourth degree, as prohibited in §§ 5-14-124 - 5-14-127;~~

~~(17) Incest, as prohibited in § 5-26-202;~~

~~(18) Offenses against the family, as prohibited in §§ 5-26-303 - 5-26-306;~~

~~(19) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;~~

~~(20) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;~~

~~(21) Permitting abuse of a child, as prohibited in § 5-27-221(a)(1) and (3);~~

~~(22) Engaging children in sexually explicit conduct for use in visual or print medium, transportation of minors for prohibited sexual conduct, pandering, or possessing visual or print medium depicting sexually explicit conduct involving a child, or the use of a child or consent to the 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, 5-27-305, 5-27-402, and 5-27-403;~~

~~(23) Adult abuse constituting a felony, as prohibited in § 5-28-103;~~

~~(24) Theft of property, as prohibited in § 5-36-103;~~

~~(25) Theft by receiving, as prohibited in § 5-36-106;~~

~~(26) Arson, as prohibited in § 5-38-301;~~

~~(27) Burglary, as prohibited in § 5-39-201;~~

~~(28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101, 5-64-608, as prohibited in § 5-64-401;~~

~~(29) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;~~

~~(30) Stalking, as prohibited in § 5-71-229;~~

~~(31) Computer child pornography, as prohibited in § 5-27-603;~~

~~(32) Computer exploitation of a child in the first degree, as prohibited in § 5-27-605; or~~

~~(33) 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.~~

~~(h)(1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (g) of this section shall not be considered a conviction or plea of guilty or nolo contendere to the offense unless the offense is also listed in subdivision (h)(2) of this section.~~

~~(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 shall result in permanent disqualification:~~

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

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

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

~~(D) Rape, as prohibited in § 5-14-103;~~

~~(E) Sexual assault in the first degree and second degree, as prohibited in §§ 5-14-124 and 5-14-125;~~

~~(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;~~

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

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

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

~~(J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103.~~

(h)(1) A state agency may waive the disqualification described in subsection (g) of this section and allow a person to continue employment with the state agency in a designated position upon making a determination that the person does not pose a risk of harm to any other person served by the state agency or persons to be served by the person holding the position of employment.

(2) In making a disqualification waiver determination under subdivision (h)(1) of this section, the state agency may consider the following factors:

(A) The nature and severity of the offense;

(B) The consequences of the offense;

(C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served the state agency, such as:

(i) The age and vulnerability any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the state agency;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(i) The decision of the state agency to refuse to waive disqualification from holding a position of employment under subsection (h) of this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 31. Arkansas Code § 21-15-111 is amended to read as follows:

21-15-111. Hiring new employees into designated financial or information technology positions.

(a)(1)(A) When a person applies for employment with a state agency in a designated financial or information technology position and if the state agency intends to make an offer of employment to the applicant, the applicant shall complete a criminal history check form and shall submit the form to the state agency as part of the application process.

(B) Within five (5) days of the state agency's decision to make an offer of employment to the applicant, the state agency shall forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police and request the bureau to review the database of criminal history.

(C) Within three (3) days of the receipt of a request to review the database, the bureau shall notify the state agency if the database contains any criminal history record on the applicant.

(2) If no criminal history record regarding the applicant is found in the database, then the state agency may make an offer of temporary employment to the applicant while the bureau completes a criminal history check and the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(3)(A) If a criminal history record regarding the applicant is found in the database, then the applicant is temporarily disqualified from employment until the state agency determines whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that the applicant is not disqualified, then the state agency may continue to temporarily employ the applicant while the bureau completes a criminal history check.

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

(2) If the state agency can verify that the applicant has been employed by a state agency in a designated financial or information technology position within sixty (60) days before the application or has lived continuously in the State of Arkansas for the past five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(c)(1) Upon completion of a criminal history check on an applicant, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the applicant is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that an applicant is disqualified from employment, then the state agency shall deny employment to the applicant.

(d) If a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) Before making a temporary or permanent offer of employment, a state agency shall inform an applicant that:

(1) Continued employment is contingent upon the results of a criminal history check; and

(2) The applicant has the right to obtain a copy of his or her criminal history report from the bureau.

(f) ~~An expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection shall not be considered a conviction or plea of guilty or nolo contendere to the offense. No~~ Except as provided in subsection (g) of this section, no person shall be eligible for employment with a state agency in a designated financial or information technology position if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any ~~of the following offenses~~ felony or Class A misdemeanor offense 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 or military court unless the conviction was vacated, or reversed, regardless of whether the record of the conviction is sealed or expunged or the conviction is pardoned.:

~~(1) Robbery, as prohibited in § 5-12-102;~~

~~(2) Aggravated robbery, as prohibited in § 5-12-103;~~

~~(3) Soliciting money or property from incompetents, as prohibited in § 5-27-229;~~

~~(4) Theft of property, as prohibited in § 5-36-103;~~

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

~~(6) Theft of property lost, mislaid, or delivered by mistake, as prohibited in § 5-36-105;~~

~~(7) Theft of leased, rented, or entrusted personal property, as prohibited in § 5-36-115;~~

~~(8) Shoplifting, as prohibited in § 5-36-116;~~

~~(9) Embezzlement by officer or employee of certain institutions, as prohibited in § 5-36-118;~~

- ~~(10) Theft of public benefits, as prohibited in § 5-36-202;~~
- ~~(11) Theft of wireless service, as prohibited in § 5-36-303;~~
- ~~(12) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, as prohibited in § 5-36-304;~~
- ~~(13) Any offense involving theft detection devices, as prohibited in §§ 5-36-401–5-36-405;~~
- ~~(14) Forgery, as prohibited in § 5-37-201;~~
- ~~(15) Falsifying business records, as prohibited in § 5-37-202;~~
- ~~(16) Defrauding secured creditors, as prohibited in § 5-37-203;~~
- ~~(17) Fraud in insolvency, as prohibited in § 5-37-204;~~
- ~~(18) Issuing a false financial statement, as prohibited in § 5-37-205;~~
- ~~(19) Receiving deposits in a failing financial institution, as prohibited in § 5-37-206;~~
- ~~(20) Fraudulent use of a credit card or debit card, as prohibited in § 5-37-207;~~
- ~~(21) Criminal impersonation, as prohibited in § 5-37-208;~~
- ~~(22) Criminal possession of a forgery device, as prohibited in § 5-37-209;~~
- ~~(23) Obtaining signature by deception, as prohibited in § 5-37-210;~~
- ~~(24) Defrauding judgment creditors, as prohibited in § 5-37-211;~~
- ~~(25) Unlawfully using slugs, as prohibited in § 5-37-212;~~
- ~~(26) Criminal simulation, as prohibited in § 5-37-213;~~
- ~~(27) Use of false transcript, diploma, or grade report from postsecondary educational institution, as prohibited in § 5-37-225;~~
- ~~(28) Financial identity fraud, as prohibited in § 5-37-227;~~
- ~~(29) Any offense violating The Arkansas Hot Check Law, as prohibited in §§ 5-37-301–5-37-307;~~
- ~~(30) Theft of communication services, as prohibited in § 5-37-402;~~
- ~~(31) Criminal mischief in the first degree, as prohibited in § 5-38-203;~~
- ~~(32) Residential or commercial burglary, as prohibited in § 5-39-201;~~
- ~~(33) Breaking or entering, as prohibited in § 5-39-202;~~
- ~~(34) Computer fraud, as prohibited in § 5-41-103;~~
- ~~(35) Computer trespass, as prohibited in § 5-41-104;~~
- ~~(36) Any offense involving computer crime, as prohibited in §§ 5-41-201–5-41-206;~~
- ~~(37) Criminal use of property or laundering criminal proceeds, as prohibited in § 5-42-204;~~

~~(38) Any offense involving corruption in public office, as prohibited in §§ 5-52-101 – 5-52-108;~~

~~(39) Tampering with a public record, as prohibited in § 5-54-121;~~

~~(40) Criminal acts constituting Medicaid fraud, as prohibited in § 5-55-111;~~

~~(41) Any offense involving illegal food coupons, as prohibited in §§ 5-55-201 – 5-55-205;~~

~~(42) Engaging in a continuing criminal gang, organization, or enterprise, as prohibited in § 5-74-104; or~~

~~(43) 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.~~

(g)(1) A state agency may waive the disqualification described in subsection (f) of this section and allow a person to be employed with the state agency in a designated financial or information technology position upon making a determination that the person does not pose a risk of harm to any other person served by the state agency or persons to be served by the person to hold the position of employment.

(2) In making a disqualification waiver determination under subdivision (g)(1) of this section, the state agency may consider the following factors:

(A) The nature and severity of the offense;

(B) The consequences of the offense;

(C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served the state agency, such as:

(i) The age and vulnerability any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the state agency;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(h) The decision of the state agency to refuse to waive disqualification from holding a position of employment under subsection (g) of this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 32. Arkansas Code § 21-15-112 is amended to read as follows:

21-15-112. Incumbent employees in designated financial or information technology positions.

(a)(1) State agencies shall ensure that all employees in designated financial or information technology positions apply for criminal history checks by December 1, 2005.

(2) An incumbent employee in a designated financial or information technology position shall have a subsequent criminal background check within five (5) years of the initial criminal background check and every five (5) years thereafter.

(3)(A) In accordance with subdivisions (a)(1) and (a)(2) of this section, each employee of a state agency in a designated financial or information technology position shall complete a criminal history check form and shall submit the form to the state agency.

(B) The state agency shall:

(i) Forward the criminal history check form to the Identification Bureau of the Department of Arkansas State Police; and

(ii) Pay any fee associated with the criminal history check on behalf of the employee.

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

(2) If the state agency can verify that the employee has been employed by a state agency in a designated financial or information technology position within sixty (60) days before applying for the criminal background check or has lived continuously in the State of Arkansas for the previous five (5) years, the bureau shall conduct only a state criminal history check on the applicant.

(c)(1) Upon completion of a criminal history check on an employee, the bureau shall issue a report to the state agency.

(2)(A) The state agency shall determine whether the employee is disqualified from employment under subsection (f) of this section.

(B) If the state agency determines that an employee is disqualified from employment, then the state agency shall discharge the employee.

(d) If a national criminal history check is required under this section, the criminal history check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(e) A state agency shall inform all employees in designated financial or information technology positions that:

(1) Continued employment is contingent upon the results of a criminal history check; and

(2) The employee has the right to obtain a copy of his or her criminal history report from the bureau.

(f) ~~An expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in this subsection shall not be considered a conviction or plea of guilty or nolo contendere to the offense. A~~ Except as provided in subsection (g) of this section, a state agency shall discharge from employment an employee in a designated financial or information technology position who has pleaded guilty or nolo contendere to, or has been found guilty of, any of the following offenses felony or Class A misdemeanor offense 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 or military court unless the conviction was vacated or reversed, regardless of whether the record of conviction is sealed or expunged or the conviction is pardoned.:

- ~~(1) Robbery, as prohibited in § 5-12-102;~~
- ~~(2) Aggravated robbery, as prohibited in § 5-12-103;~~
- ~~(3) Soliciting money or property from incompetents, as prohibited in § 5-27-229;~~
- ~~(4) Theft of property, as prohibited in § 5-36-103;~~
- ~~(5) Theft by receiving, as prohibited in § 5-36-106;~~
- ~~(6) Theft of property lost, mislaid, or delivered by mistake, as prohibited in § 5-36-105;~~
- ~~(7) Theft of leased, rented, or entrusted personal property, as prohibited in § 5-36-115;~~
- ~~(8) Shoplifting, as prohibited in § 5-36-116;~~
- ~~(9) Embezzlement by officer or employee of certain institutions, as prohibited in § 5-36-118;~~
- ~~(10) Theft of public benefits, as prohibited in § 5-36-202;~~
- ~~(11) Theft of wireless service, as prohibited in § 5-36-303;~~
- ~~(12) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, as prohibited in § 5-36-304;~~
- ~~(13) Any offense involving theft detection devices, as prohibited in §§ 5-36-401-5-36-405;~~
- ~~(14) Forgery, as prohibited in § 5-37-201;~~
- ~~(15) Falsifying business records, as prohibited in § 5-37-202;~~
- ~~(16) Defrauding secured creditors, as prohibited in § 5-37-203;~~
- ~~(17) Fraud in insolvency, as prohibited in § 5-37-204;~~
- ~~(18) Issuing a false financial statement, as prohibited in § 5-37-205;~~

- ~~(19) Receiving deposits in a failing financial institution, as prohibited in § 5-37-206;~~
- ~~(20) Fraudulent use of a credit card or debit card, as prohibited in § 5-37-207;~~
- ~~(21) Criminal impersonation, as prohibited in § 5-37-208;~~
- ~~(22) Criminal possession of a forgery device, as prohibited in § 5-37-209;~~
- ~~(23) Obtaining signature by deception, as prohibited in § 5-37-210;~~
- ~~(24) Defrauding judgment creditors, as prohibited in § 5-37-211;~~
- ~~(25) Unlawfully using slugs, as prohibited in § 5-37-212;~~
- ~~(26) Criminal simulation, as prohibited in § 5-37-213;~~
- ~~(27) Use of false transcript, diploma, or grade report from postsecondary educational institution, as prohibited in § 5-37-225;~~
- ~~(28) Financial identity fraud, as prohibited in § 5-37-227;~~
- ~~(29) Any offense violating The Arkansas Hot Check Law, as prohibited in §§ 5-37-301 - 5-37-307;~~
- ~~(30) Theft of communication services, as prohibited in § 5-37-402;~~
- ~~(31) Criminal mischief in the first degree, as prohibited in § 5-38-203;~~
- ~~(32) Residential or commercial burglary, as prohibited in § 5-39-201;~~
- ~~(33) Breaking or entering, as prohibited in § 5-39-202;~~
- ~~(34) Computer fraud, as prohibited in § 5-41-103;~~
- ~~(35) Computer trespass, as prohibited in § 5-41-104;~~
- ~~(36) Any offense involving computer crime, as prohibited in §§ 5-41-201 - 5-41-206;~~
- ~~(37) Criminal use of property or laundering criminal proceeds, as prohibited in § 5-42-204;~~
- ~~(38) Any offense involving corruption in public office, as prohibited in §§ 5-52-101 - 5-52-108;~~
- ~~(39) Tampering with a public record, as prohibited in § 5-54-121;~~
- ~~(40) Criminal acts constituting Medicaid fraud, as prohibited in § 5-55-111;~~
- ~~(41) Any offense involving illegal food coupons, as prohibited in §§ 5-55-201 - 5-55-205;~~
- ~~(42) Engaging in a continuing criminal gang, organization, or enterprise, as prohibited in § 5-74-104; or~~
- ~~(43) 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.~~

(g)(1) A state agency may waive the disqualification described in subsection (f) of this section and allow a person to continue employment with the state agency in a designated financial or information technology position upon making a determination that the person does not pose a risk of harm to any other person served by the state agency or persons to be served by the person holding the position of employment.

(2) In making a disqualification waiver determination under subdivision (g)(1) of this section, the state agency may consider the following factors:

(A) The nature and severity of the offense;

(B) The consequences of the offense;

(C) The number and frequency of offenses;

(D) The relation between the crime and the health, safety, and welfare of persons served the state agency, such as:

(i) The age and vulnerability any victim of the offense;

(ii) The harm suffered by any victim; and

(iii) The similarity between any victim and persons served by the state agency;

(E) The time elapsed without a repeat of the same or similar offense;

(F) Documentation of successful completion of training or rehabilitation concerning the offense; and

(G) Any other relevant information.

(h) The decision of the state agency to refuse to waive disqualification from holding a position of employment under subsection (g) of this section shall constitute the final administrative agency action and shall not be subject to review.

SECTION 33. Arkansas Code § 21-15-113 is repealed.

~~21-15-113. Waiver of exclusion or discharge requirement for persons in designated financial or information technology positions.~~

~~(a)(1) The provisions of §§ 21-15-111 and 21-15-112 prohibiting the hiring of a person or requiring the discharge of a person in a designated financial or information technology position may be waived by the director of a state agency upon the request of:~~

~~(A) A supervisor or other managerial employee in the state agency;~~

~~(B) An affected applicant for employment; or~~

~~(C) The person in the designated financial or information technology position who is subject to discharge.~~

~~(2) Application for a waiver must be made within five (5) days of the receipt of the criminal background check.~~

~~(3) If the crime is a misdemeanor and more than five (5) years have lapsed since the conviction, the state agency is not required to discharge an incumbent employee if a request for a waiver is timely made and if the waiver is ultimately granted.~~

~~(4) If the waiver is not granted and the waiver applicant is an incumbent employee who was not immediately discharged, the state agency shall immediately discharge the employee.~~

~~(5) If the waiver is not granted and the waiver applicant is an applicant for employment, the state agency is prohibited from hiring the applicant in a designated financial or information technology position.~~

~~(6) If an incumbent employee was immediately discharged but was subsequently granted a waiver, the employee shall be immediately reinstated but shall not be entitled to retroactive relief, including back pay.~~

~~(b)(1) A waiver may be granted upon a preponderance of the evidence that the applicant or employee is rehabilitated such that the public interest is not threatened by the applicant's or employee's employment.~~

~~(2) Evidence of rehabilitation may include:~~

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

~~(B) The circumstances surrounding the crime or act;~~

~~(C) The length of time since the crime or act;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating the rehabilitation of the applicant or employee."~~

/s/ Bill Abernathy

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Glidewell, **HOUSE BILL NO. 2622** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2622

Amend **HOUSE BILL NO. 2622** as originally introduced:

Page 1, line 12, delete "ENFORCEMENT" and substitute "ENFORCEMENT"

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 27-22-104(b), concerning minimum motor vehicle insurance coverage, is amended to read as follows:

(b) The policy shall provide as a minimum the following coverage:

(1) Not less than ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) for bodily injury or death of one (1) person in any one (1) accident;

(2) Not less than ~~fifty thousand dollars (\$50,000)~~ one hundred dollars (\$100,000) for bodily injury or death of two (2) or more persons in any one (1) accident; and

(3) If the accident has resulted in injury to or destruction of property, not less than twenty-five thousand dollars (\$25,000) for the injury to or destruction of property of others in any one (1) accident.

SECTION 2. Arkansas Code § 27-19-603(a), concerning security deposits for the failure to carry the minimum motor vehicle insurance coverage, is amended to read as follows: (a)(1) Within thirty (30) days after an accident has occurred,

and provided the accident has been reported to the Office of Driver Services within thirty (30) days, the office shall determine the amount of security which shall be deposited to satisfy any judgment for damages resulting from the accident as may be recovered against each driver or owner based on an amount equal to the minimum limits specified in § 27-19-605. The amount of security required to be deposited shall be:

(A) If the accident resulted in bodily injury or death to one (1) person, ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000);

(B) If the accident resulted in bodily injury or death to two (2) or more persons in any one (1) accident, ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000);

(C) If the accident resulted in the injury to or the destruction of property of others in any one (1) accident, twenty-five thousand dollars (\$25,000); or

(D) If the accident resulted in both bodily injury or death and in the destruction of property, a combination of the amounts specified in subdivisions (a)(1)(A)-(C) of this section.

(2) Determination shall not be made with respect to drivers or owners who are exempt under provisions of any other section of this chapter from the requirements as to security or suspension of motor vehicle registration and driving privilege.

SECTION 3. Arkansas Code § 27-19-605(a), concerning a bond or insurance policy in lieu of a security deposit for the failure to carry the minimum motor vehicle insurance coverage, is amended to read as follows:

(a) No policy or bond shall be effective under § 27-19-604 unless issued by an insurance company or surety company authorized to do business in this state except as provided in subsection (b) of this section, nor unless the policy or bond is subject, if the accident resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) because of bodily injury or death of one (1) person in any one (1) accident and subject to said limit for one (1) person, to a limit of not less than ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000) because of bodily injury or death of two (2) or more persons in any one (1) accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

SECTION 4. Arkansas Code § 27-19-701(1)(A), concerning proof of future financial responsibility for the failure to carry the minimum motor vehicle insurance coverage, is amended to read as follows:

(1)(A) "Proof of financial responsibility for the future" means proof of ability to respond in damages for liability, on account of accidents occurring subsequently to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, in the amount of ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident;

SECTION 5. Arkansas Code § 27-19-709 is amended to read as follows:

27-19-709. Payments sufficient to satisfy judgments.

(a) Judgments shall, for the purpose of this chapter only, be deemed satisfied when:

(1) ~~Twenty-five thousand dollars (\$25,000)~~ Fifty thousand dollars (\$50,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident;

(2) Subject to a limit of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person, the sum of ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or

(3) Twenty-five thousand dollars (\$25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(b) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

SECTION 6. Arkansas Code § 27-19-713(b), concerning minimum motor vehicle insurance coverage, is amended to read as follows:

(b) Owner's Policy. The owner's policy of liability insurance shall:

(1) Designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted; and

(2) Insure the person named therein and any other person, as insured, using any vehicle or vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the vehicle or vehicles within the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, as follows: ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person; ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

SECTION 7. Arkansas Code § 27-19-717(a), concerning proof of financial responsibility in lieu of carrying the minimum motor vehicle insurance coverage, is amended to read as follows:

(a)(1) Proof of financial responsibility may be evidenced by the certificate of the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles after filing with the Office of Driver Services evidence that the person named therein has deposited with him or her ~~seventy-five thousand dollars (\$75,000)~~ one hundred twenty-five thousand dollars (\$125,000) in cash or securities other than surety bonds that may be legally purchased by savings banks or for trust funds of a market value of seventy-five thousand dollars (\$75,000).

(2) The director shall not accept any such deposit and issue a certificate therefor and the office shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

SECTION 8. Arkansas Code § 27-14-1005 is amended to read as follows:

27-14-1005. Failure to affix or display license plates, etc.

(a) The failure of the motor vehicle owner to affix and display:

(1) The permanent license plates;

(2) The tab or decal; or

(3) The registration card, in the places designated by the Director of the Department of Finance and Administration, shall be a misdemeanor subject to the penalties provided by § 27-14-301.

(b) At the time of a traffic stop, a law enforcement officer may apprehend the operator of a motor vehicle and impound the motor vehicle pursuant to § 27-50-1207 if:

(1) The motor vehicle is operated without displaying proof of licensure by a proper license plate or otherwise;

(2) The operator of the motor vehicle is unable to furnish proof of minimum motor vehicle liability insurance coverage under § 27-22-104; and

(3) A check with the Vehicle Insurance Database fails to show proof of minimum motor vehicle liability insurance coverage under § 27-22-104.

SECTION 9. Arkansas Code § 23-89-211 is amended to read as follows:

23-89-211. Total loss settlements.

(a) If an insurer settles a claim for damages to an automobile as a total loss to its own insured or a person having a claim against its insured, the insurer shall include with the payment for the loss:

(1) All applicable taxes, including sales taxes and fees as required under Rule and Regulation 43 of the State Insurance Department; and

(2) An itemized list stating the amount of the claim attributable to the value of the automobile and attributable to the sales tax on an automobile of that value.

(b) When settling a claim against an insured for damages to an automobile as a total loss, the insurer will take into consideration all applicable taxes, license fees, and other fees.

(c)(1) An insurer may not abandon salvage to a towing or storage facility in lieu of payment of towing and storage fees without the consent of the facility and the insured.

(2) If the settlement of a claim for a total loss of an automobile includes payment for towing and storage charges that have not been paid to the towing and storage firm, the insurer shall include the towing and storage firm as an additional loss payee on the check in payment of the claim.

(d) The failure of an insurer to comply with the requirements of subsections (a)-(c) of this section shall be considered an unfair claims settlement practice under § 23-66-206(13)."

/s/ Frank Glidewell

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative S. Prater, **HOUSE BILL NO. 2343** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2343

Amend **HOUSE BILL NO. 2343** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-71-229 is amended to read as follows:

5-71-229. Stalking.

(a)(1) A person commits stalking in the first degree if he or she ~~purposely~~ knowingly engages in a course of conduct that ~~harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family and the person would place a reasonable person in the victim's position under emotional distress or in fear for his or her safety or a third person's safety, and the actor:~~

(A) Does so in contravention of an order of protection consistent with The Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim;

(B) Has been convicted within the previous ten (10) years of:

(i) Stalking in the second degree;

(ii) Violating § 5-13-301 or § 5-13-310; or

(iii) Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or

(C) Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

(2)(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(B) This no contact order remains in effect during the pendency of any appeal of a conviction under subsection (a) of this section.

(C) The judicial officer or prosecuting attorney shall provide a copy of this no contact order to the victim and the arresting agency without unnecessary delay.

(D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

(3) Stalking in the first degree is a Class B felony.

(b)(1) A person commits stalking in the second degree if he or she ~~purposely knowingly~~ engages in a course of conduct that ~~harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family~~ would place a reasonable person in the victim's position under emotional distress or in fear for his or her safety or a third person's safety.

(2)(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(B) This no contact order remains in effect during the pendency of any appeal of a conviction under subsection (b) of this section.

(C) The judicial officer or prosecuting attorney shall provide a copy of this no contact order to the victim and arresting agency without unnecessary delay.

(D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

(3) Stalking in the second degree is a Class C felony.

(c) It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment.

(d) It is not a defense to a prosecution under this section that the actor:

(1) Was not given actual notice by the victim that the actor's conduct was not wanted;

(2) Did not intend to cause the victim emotional distress; or

(3) Did not intend to cause the victim to fear for his or her safety or a third person's safety.

(e) As used in this section:

(1)(A) "Course of conduct" means ~~a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year~~ including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, places under surveillance, threatens, or communicates to or about, a person, or interferes with a person's property.

(B)(i) "Course of conduct" does not include constitutionally protected activity.

(ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence; and

(2) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

~~(2) "Harasses" means an act of harassment as defined by § 5-71-208; and~~

~~(3) "Immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household or who, within the prior six (6) months, regularly resided in the household."~~

/s/ Sandra Prater

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative T. Baker, **HOUSE BILL NO. 2805** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2805

Amend **HOUSE BILL NO. 2805** as originally introduced:

Page 1, delete lines 15 through 19 and substitute the following:

"AN ACT TO AUTHORIZE NURSES TO PRONOUNCE DEATH FOR RESIDENTS OF LONG-TERM CARE FACILITIES."

AND

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 20-18-601(c)-(e), concerning preparation and filing of death certificates, are amended to read as follows:

(c)(1) The medical certification shall be completed, signed, and returned to the funeral director within two (2) business days after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

(2)(A) In the absence of the physician, or with his or her approval, the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, by the pathologist who performed an autopsy upon the decedent, or by a registered nurse or an advanced practice nurse as provided in ~~subdivision (c)(2) of this section~~ this subdivision (c)(2), provided the individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

(B) The person completing the cause-of-death section of the certificate shall attest to its accuracy either by a signature or by approved electronic process.

(3)(A) ~~A registered nurse employed by the attending hospice may complete and sign the medical certification of death for a patient who is terminally ill, whose death is anticipated, who is receiving services from a hospice program certified under § 20-7-117, and who dies in a hospice inpatient program or as a hospice patient in a nursing home~~ may pronounce death and complete and sign the medical certification of death, when:

(i) Death occurs:

(a) From natural causes; and

(b) In a hospital, a nursing facility, a hospice, or a private home served by a home health care provider or a hospice; and

(ii) The patient is under the care of a physician who is unable to be present within a reasonable period of time to certify the fact of death.

(B) The registered nurse or an advanced practice nurse may release the body to the funeral director after notifying the county coroner and the chief law enforcement officer in accordance with § 12-12-315, the family, and the attending physician and after certifying the fact of death and completing and signing the medical certification of death.

(C) The registered nurse or an advanced practice nurse shall document the clinical criteria for the determination and pronouncement of death in the patient's medical record.

(D) The hospital, nursing home, home health care provider, or hospice provider shall have adopted written policies and procedures that provide for the determination and pronouncement of death by a registered nurse or an advanced practice nurse.

(E) This subdivision (c)(3) does not authorize a registered nurse or an advanced practice nurse to determine the cause of death.

(F)(i) A registered nurse or an advanced practice nurse who determines death under this subdivision (c)(3) is not liable for civil damages and is not subject to criminal prosecution for his or her actions or the actions of others based on the determination of death.

(ii) A person who acts in good faith reliance of a registered nurse's determination of death or an advanced practice nurse's determination of death is not liable for civil damages or subject to criminal prosecution for the person's actions.

~~(4) If the hospice patient dies in the home, the registered nurse may make pronouncement of death. However, the county coroner and the chief law enforcement official of the county or municipality where death occurred shall be immediately notified in accordance with § 12-12-315.~~

~~(5)(4)(A)~~ The Division of Health of the Department of Health and Human Services shall provide hospitals, nursing homes, and hospices with the appropriate death certificate forms which will be made available to the attending physicians, coroners, registered nurses, advanced practice nurses, or other certifiers of death.

(B) When death occurs outside these health facilities, the funeral home shall provide the death certificate to the certifier.

(d)(1) If the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by either any of the laws referred to in subsection (c) of this section, the case shall be referred to the office of the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found for investigation to determine and certify the cause of death.

(2) If the State Medical Examiner or county coroner determines that the case does not fall within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the physician for completion of the medical certification.

(e) When inquiry is required by either any of the laws referred to in subsection (c) of this section, the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case."

/s/ Tommy Baker

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative D. Johnson, **HOUSE BILL NO. 2658** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2658

Amend **HOUSE BILL NO. 2658** as originally introduced:

Page 2, delete lines 9 through 14

AND

Page 2, line 15, delete "(G)" and substitute "(E)"

AND

Page 2, delete lines 17 through 21, and substitute the following:

"(F) The power to hire the city attorney, subject to the approval of a majority of members of the board of directors; and

(G) The power to remove the city attorney, subject to the approval of a majority of members of the board of directors."

AND

Page 4, delete line 32, and substitute the following:

"his or her elected term.

SECTION 2. Arkansas Code § 14-47-108(a), concerning the effect of reorganization of a city manager form of government on other city offices, is amended to read as follows:

(a)(1) When, in connection with the reorganization of a municipality under this chapter, an initial board of directors shall be elected, the reorganization shall be deemed to be effective as of the time when the respective terms of office of the directors commence.

(2) Concurrent with the commencement of the terms of the directors:

(A) The office of mayor, as existing under the aldermanic form of government, all memberships on the city council, and all memberships on the board of public affairs shall become vacant, each of these offices being abolished as to cities reorganized under this chapter;

(B)(i) ~~Except~~ Subject to subdivision (a)(2)(B)(iii) of this section and except as is otherwise provided for city attorneys in cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city treasurer, city clerk, city attorney, city marshal, and recorder in cities of the second class shall cease and terminate, and the incumbent of each of these offices shall remain in office subject to removal and replacement at any time by the board of directors;

(ii)(a) ~~In~~ Subject to subdivision (a)(2)(B)(iii) of this section, in cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city attorney shall cease and terminate, and the incumbent city attorney shall remain in office subject to removal and replacement at any time by the city manager, if the authority is vested in the city manager through:

~~(a)(1)~~ An ordinance of the board of directors; or

~~(b)(1)(2)~~ An initiated measure, adopted pursuant to Arkansas Constitution, Amendment 7.

~~(2)(b)~~ If the authority is vested by an initiated measure, the board of directors shall not have the authority to rescind the authority; ~~and.~~

(iii) In cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city attorney shall cease and terminate, and the incumbent city attorney shall remain in office subject to removal and replacement at any time by the mayor if the authority is vested in the mayor under § 14-47-140; and

(C)(i) Every other executive officer or executive employee of the city, including, without limiting the foregoing, the city purchasing agent and the members hereinafter called "board members" of every other municipal board, authority, or commission, whether the office, employment, board, authority, or commission exists under statute or under any ordinance or resolution, whose official term of office or employment is fixed by statute, ordinance, or resolution, shall serve until the expiration of the term so fixed, after which the position held by each such executive officer, executive employee, or board member shall be filled through appointment by the board of directors, the appointees to hold at the will of the board. However, in cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons, according to the most recent federal decennial census, the appointments shall be made by the mayor and appointees shall hold at the will of the mayor, if the mayor is authorized to make the appointments by:

(a) The board of directors, by ordinance; or

(b) An initiated measure, adopted pursuant to Arkansas Constitution, Amendment 7. If the authority is vested by an initiated measure, the board of directors shall not have the power to rescind the authority.

(ii) Each such executive officer, executive employee, or board member serving on the effective date of the reorganization, and whose office, employment, or board membership carries no fixed term created either by statute, ordinance, or resolution shall be subject to removal and replacement at any time by the board of directors or the mayor, if authorized.

(iii) However, the provisions of this subdivision (a)(2)(C) shall be subject to the provisions of subsection (b) of this section and to the exceptions therein contained."

AND

Page 4, line 34, delete "SECTION 2." and substitute "SECTION 3."

/s/ David Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wood, **HOUSE BILL NO. 2541** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2541

Amend **HOUSE BILL NO. 2541** as engrossed,
H3/12/07 (version: 03-12-2007 10:26):

Page 2, delete line 27 and substitute:

(viii) Physical fitness.

(C) "Youth Challenge Program" includes a twenty-two (22) week residence phase and a fourteen (14) month post-residence phase."

AND

Page 2, delete line 30 and substitute:

"Step Program as follows:"

AND

Page 2, delete lines 31 through 36 and substitute:

"(A) Five hundred dollars (\$500) for each student participant in the Youth Challenge Program that the sending school district has, to be deposited into the Arkansas National Guard Youth Challenge Supplemental Fund; or

(B) Three hundred fifty dollars (\$350) for each student participant in the C-Step Program that the sending school district has, to be deposited into the Arkansas National Guard C-Step Supplemental Fund."

AND

Page 3, delete lines 1 through 12 and substitute:

"(2) If an agreement is entered into under this subsection (b), then the agreement shall include:

(A) The total amount due from the sending school district; and

(B) The time for remittance of the payment."

AND

Page 3, line 26, delete "Program;" and substitute "Program; and"

AND

Page 3, line 28, delete "Arkansas National Guard" and substitute "Youth Challenge Program"

AND

Page 3, line 29, delete "Education; and" and substitute "Education."

AND

Page 3, delete lines 30 through 31 entirely

AND

Page 4, line 7, delete "Program;" and substitute "Program; and"

AND

Page 4, line 9, delete "Arkansas National Guard" and substitute "C-Step Program"

AND

Page 4, line 10, delete "Education; and" and substitute "Education."

AND

Page 4, delete lines 11 through 12 entirely

AND

Page 4, line 13, delete "for the" entirely

AND

Page 4, line 14, delete "administration of this section and" entirely

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Shelby, **HOUSE BILL NO. 1739** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1739

Amend **HOUSE BILL NO. 1739** as engrossed,

H3/7/07 (version: 03-07-2007 09:20):

Add Representatives Abernathy, Allen, Blount, Cash, Cheatham, Cornwell, Davis, Dickinson, S. Dobbins, Hardwick, House, W. Lewellen, Lowery, Maxwell, Moore, Pickett, Powers, S. Prater, Ragland, Rainey, J. Roebuck, L. Smith, Stewart, Wood as cosponsors.

AND

Add Senators Altes, Crumbly, G. Jeffress, Madison as cosponsors.

AND

Page 1, line 24, delete "SECTION 1." and substitute "SECTION 1. Beginning on July 1, 2007,"

AND

Page 3, delete line 15 and substitute:

"The moneys collected pursuant to §§ 26-57-1401 and 26-57-1402 for each fiscal year shall be"

AND

Page 3, delete line 21 through 36 and substitute:

"(A) The first fifteen million dollars (\$15,000,000) shall be distributed to the Community Health Centers of Arkansas;

(B) The next twenty-one million one hundred nine thousand, seven hundred seventy-three dollars (\$21,109,773), or any portion thereof, shall be distributed as follows:

(i) Twenty-three and sixty-seven hundredths percent (23.67%) to the Department of Education to be used exclusively for the school nurses program;

(ii) Twenty-two and forty-nine hundredths percent (22.49%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Breast Cancer Control Program;

(iii) Fourteen and twenty hundredths percent (14.20%) to the Department of Education to be used exclusively for the coordinated school health program;

(iv) Thirteen and twenty-six hundredths percent (13.26%) to the Arkansas Minority Health Commission;

(v) Eleven and eighty-four hundredths percent (11.84%) to the Arkansas Association of Charitable Clinics;

(vi) Seven and one-tenth percent (7.1%) to the Arkansas Tobacco Control Board;

(vii) Six and forty-five hundredths percent (6.45%) to the Prostate Cancer Foundation; and

(viii) Ninety-nine hundredths percent (0.99%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Arkansas Central Cancer Registry; and

(C) Any moneys to be distributed under section (2)(A) of this section in excess of thirty-six million, one hundred nine thousand, seven hundred seventy-three dollars (\$36,109,773) shall be distributed as follows:

(i) Forty-one and fifty-four hundredths percent (41.54%) to the Community Health Centers of Arkansas;

(ii) Thirteen and eighty-four hundredths percent (13.84%) to the Department of Education to be used exclusively for the school nurses program;

(iii) Thirteen and fifteen hundredths percent (13.15%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Breast Cancer Control Program;

(iv) Eight and three-tenths percent (8.3%) to the Department of Education to be used exclusively for the coordinated school health program;

(v) Seven and seventy-five hundredths percent (7.75%) to the Arkansas Minority Health Commission;

(vi) Six and ninety-two hundredths percent (6.92%) to the Arkansas Association of Charitable Clinics;

(vii) Four and fifteen hundredths percent (4.15%) to the Arkansas Tobacco Control Board;

(viii) Three and seventy-seven hundredths percent (3.77%) to the Prostate Cancer Foundation; and

(ix) Fifty-eight hundredths percent (0.58%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Arkansas Central Cancer Registry."

AND

Page 4, delete lines 1 through 7 and substitute:

"SECTION 2. Arkansas Code § 26-57-236, as amended by Acts 1997, No. 1337, is amended to read as follows:

26-57-236. Stamp deputies. [As amended by Acts 1997, No. 1337.]

(a) The Director of the Department of Finance and Administration shall furnish stamps to licensed wholesalers directly or through stamp deputies.

(b) The Director of the Department of Finance and Administration may appoint and commission stamp deputies, who shall be the owners or officers of wholesalers, to handle the stamps and collect the tax on tobacco products before sales of tobacco products are made to the retailers.

(c) Stamp deputies are, within the scope of their authority, agents of the Director of the Department of Finance and Administration and shall be accountable as such for any wrongful acts.

(d) Each stamp deputy shall furnish a bond in an amount and in the form as prescribed by the Director of the Department of Finance and Administration.

(e) Stamp deputies shall keep records of all stamp sales and tax collections and shall make the reports prescribed by the Director of the Department of Finance and Administration.

(f) A commission shall be paid by the Director of the Department of Finance and Administration to stamp deputies for the sale of stamps for cigarettes and the collection of cigarette taxes. The commission paid shall not be less than three and eight-tenths percent (3.8%) of the total aggregate cigarette tax collected under §§ 26-57-208, 26-57-802, 26-57-803, 26-57-804, 26-57-1101, and 26-57-1401.

(g) All deposits held by any bank for a stamp deputy which represent the sales of stamps are trust funds and shall be held as a special deposit. In the event of the failure or insolvency of the bank, the deposits shall be classed and considered as preferred claims due the State of Arkansas.

SECTION 3. Arkansas Code § 26-57-236, as amended by Acts 1997, No. 434, is repealed.

~~26-57-236. Stamp deputies. [As amended by Acts 1997, No. 434.]~~

~~(a) The Director of the Department of Finance and Administration shall furnish stamps to licensed wholesalers directly or through stamp deputies.~~

~~(b) The director may appoint and commission stamp deputies, who shall be the owners or officers of wholesalers, to handle the stamps and collect the tax on cigarettes before sales of cigarettes are made to the retailers.~~

~~(c) Stamp deputies are, within the scope of their authority, agents of the director and shall be accountable as such for any wrongful acts.~~

~~(d) Each stamp deputy shall furnish a bond in an amount and in the form as prescribed by the director.~~

~~(e) A stamp deputy's open account shall not exceed seventy-five percent (75%) of the total amount of the bond provided by the stamp deputy.~~

~~(f) Stamp deputies shall keep records of all stamp sales and tax collections and shall make the reports prescribed by the director.~~

~~(g)(1) A commission shall be paid by the director to stamp deputies for the sales and collection of cigarette tax stamps and for affixing the tax stamps to each package of cigarettes.~~

~~(2) The commission shall not be less than three and eight-tenths percent (3.8%) of the total aggregate cigarette tax collected.~~

~~(h)(1) All deposits held by any bank for a stamp deputy which represent the sales of stamps are trust funds and shall be held as a special deposit.~~

~~(2) In the event of the failure or insolvency of the bank, the deposits shall be classed and considered as preferred claims due the State of Arkansas."~~

AND

Page 4, delete lines 9 through 12 and substitute:

"SECTION 4. NOT TO BE CODIFIED. Aggregate purchases of cigarette stamps pursuant to § 26-57-236, by any wholesaler or stamp deputy during March, April, May, and June 2007, shall be limited to one hundred ten percent (110%) of the aggregate amount of each wholesaler's or stamp deputy's cigarette stamp purchases during March, April, May, and June 2006."

AND

Page 4, line 14, delete "SECTION 3." and substitute "SECTION 5."

AND

Page 4, delete lines 21 through 23 and substitute:

"for the next fiscal year and beyond. 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

Renumber the sections in the bill in consecutive order

/s/ Gene Shelby

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1544** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1544

Amend **HOUSE BILL NO. 1544** as originally introduced:

Page 2, delete lines 3 through page 4, line 24 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL
ADMINISTRATIVE POSITIONS**

(1) President, ANC	1	\$123,222	\$125,686
(2) Chief Administration Officer	1	\$111,070	\$113,291
(3) Chief Academic Officer	1	\$98,901	\$100,879
(4) Chief Planning & Assess. Officer	1	\$92,744	\$94,599
(5) Chief Student Life Officer	1	\$92,744	\$94,599
(6) Chief Comm. Svcs. & Cont. Ed. Ofcr.	1	\$87,589	\$89,341
(7) Controller	1	\$80,411	\$82,019
(8) Director of Occup. & Tech. Programs	1	\$80,411	\$82,019
(9) Director of Counseling	1	\$78,580	\$80,152
(10) Director of Institutional Research	1	\$78,580	\$80,152
(11) Director of Institutional Devel.	1	\$78,278	\$79,844
(12) Counselor	6	\$75,487	\$76,997
(13) Registrar	1	\$72,374	\$73,821
(14) Director of Pub. Relations/Marketing	1	\$72,374	\$73,821
(15) Director of Student Aid	1	\$72,229	\$73,674
(16) Director of Planning & Assessment	1	\$71,584	\$73,016
(17) Director of Academic Computing	2	\$71,023	\$72,443
(18) Director of Administrative Computing	1	\$71,023	\$72,443
(19) Director of Campus Projects	1	\$70,973	\$72,392
(20) Dir. of Univ Ctr & Distance Learning	1	\$70,972	\$72,391
(21) Director of Off-Campus Operations	1	\$70,972	\$72,391
(22) Director of Physical Plant	1	\$66,959	\$68,298
(23) Administrator of Grants & Contracts	1	\$62,588	\$63,840
(24) Coord. Information & Comm. Relations	1	\$62,235	\$63,480
(25) Asst. to the President	1	\$61,840	\$63,077
(26) Placement Coordinator	1	\$61,840	\$63,077
(27) Director of Disability Services	1	\$54,032	\$55,113

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(28) Accounting Supervisor II	1	GRADE 21	
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(29) Accounting Supervisor I	1	GRADE 20
(30) Accountant	1	GRADE 18
(31) DP Network Tech I - Inst	2	GRADE 18
(32) Personnel Assistant II - Inst	1	GRADE 18
(33) Plant Maintenance Supervisor	1	GRADE 18
(34) Purchasing Agent	1	GRADE 18
(35) Administrative Assistant II	2	GRADE 17
(36) Landscape Supervisor II	1	GRADE 17
(37) Multi-Media Specialist	1	GRADE 17
(38) Skilled Trades Worker	1	GRADE 17
(39) Bldg Plant Maint Supv I	1	GRADE 16
(40) Financial Aid Officer I	1	GRADE 16
(41) Accounting Technician II	6	GRADE 15
(42) Asst Purchasing Agent	1	GRADE 15
(43) Computer Lab Technician II	2	GRADE 15
(44) Laboratory Coordinator	1	GRADE 15
(45) Payroll Officer	1	GRADE 15
(46) Administrative Secretary	4	GRADE 14
(47) HE Pub Safety Security Officer II	2	GRADE 14
(48) Personnel Assistant I - Inst	1	GRADE 14
(49) Secretary II	13	GRADE 13
(50) Veteran's Aid Assistant	1	GRADE 13
(51) Accounting Technician I	2	GRADE 12
(52) HE Pub Safety Security Off I	5	GRADE 12
(53) Library Academic Tech II	2	GRADE 12
(54) Registrar's Assistant	1	GRADE 12
(55) Cashier II	1	GRADE 12
(56) Audiovisual Lab Assistant	1	GRADE 11
(57) Secretary I	19	GRADE 11
(58) Cook II	1	GRADE 10
(59) Library Academic Tech I	2	GRADE 10
(60) Bldg/Equip Maint Repairman II	4	GRADE 08
(61) Custodial Supervisor II	1	GRADE 08
(62) Office Clerk	1	GRADE 07
(63) Switchboard Operator I	1	GRADE 07
(64) Bldg/Equip Maint Repairman I	2	GRADE 06
(65) Maintenance Worker II	2	GRADE 05
(66) Custodial Worker II	2	GRADE 04

(67) Maint Worker I	3	GRADE 04
(68) Custodial Worker I	5	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(69) Division Chairperson	12	\$86,554	\$88,285
(70) Director of Nursing	1	\$85,636	\$87,349
(71) Librarian	3	\$78,580	\$80,152
(72) Audiovisual Specialist	1	\$75,488	\$76,998
(73) Director of Adult Education	1	\$75,488	\$76,998
(74) Special Instructor	34	\$65,928	\$67,247
(75) Coordinator of Learning Assist Ctr	1	\$55,306	\$56,412
(76) Lab Supervisor	4	\$41,085	\$41,907

NINE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(77) Faculty	60	\$65,928	\$67,247
(78) Part-Time Faculty	115	\$33,180	\$33,844

TWELVE MONTH AUXILIARY ENTERPRISES
NON-CLASSIFIED POSITIONS

(79) Director of Food Service	1	\$62,544	\$63,795
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TWELVE MONTH AUXILIARY ENTERPRISES
CLASSIFIED POSITIONS

(80) Bookstore Manager	1	GRADE 19
(81) Bookstore Office Manager	<u>1</u>	GRADE 14

MAX. NO. OF EMPLOYEES 370";

Page 4, line 29 replace "two" with "five";

Page 4, line 30 replace "thirty (230)" with "twenty one (521)";

Page 5, line 26 replace "747,729 747,729" with "2,160,000 2,203,000";

Page 5, line 35 replace "\$ 11,340,165 \$ 11,389,955" with "\$ 12,752,436 \$ 12,845,226".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1548** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1548

Amend **HOUSE BILL NO. 1548** as originally introduced:

Page 2, delete lines 3 through page 3, line 36 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL ADMINISTRATIVE POSITIONS**

(1) President, North Arkansas College	1	\$123,222	\$125,686
(2) Chief Academic Officer	1	\$98,901	\$100,879
(3) Chief Fiscal Officer	1	\$92,744	\$94,599
(4) Chief Planning & Develop. Officer	1	\$92,744	\$94,599
(5) Chief Student Life Officer	1	\$92,744	\$94,599
(6) Executive Dean	1	\$92,744	\$94,599
(7) Director of Institutional Research	1	\$78,580	\$80,152
(8) Dir. of Administrative Services	1	\$77,451	\$79,000
(9) Director of Workforce Dev.	1	\$76,859	\$78,396
(10) Counselor	7	\$75,487	\$76,997
(11) Registrar	1	\$72,374	\$73,821
(12) Dir. of Student Financial Aid	1	\$72,229	\$73,674
(13) Director of Educational Assessment	1	\$71,586	\$73,018
(14) Dir. of Academic Computing	1	\$71,023	\$72,443
(15) Dir. of Administrative Computing	1	\$71,023	\$72,443
(16) Dir. of Occupational & Tech. Educ.	1	\$70,972	\$72,391
(17) Director of Cooperative Programs	1	\$70,972	\$72,391
(18) Director of Special Services	1	\$70,972	\$72,391
(19) Off-Campus Center Director	2	\$70,972	\$72,391
(20) Director of Business Office	1	\$69,374	\$70,761
(21) Controller	1	\$69,374	\$70,761
(22) Director of Staff Development	1	\$67,579	\$68,931
(23) Director of Physical Plant	1	\$66,959	\$68,298
(24) Director of Admissions	1	\$65,982	\$67,302
(25) Director of Enrollment Management	1	\$65,982	\$67,302
(26) Project/Program Manager	4	\$59,945	\$61,144

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(27) Accounting Supervisor II	1	GRADE 21
(28) Computer Support Spec II -Inst	1	GRADE 20

(29) Counselor II	3	GRADE 20
(30) DP Network Technician II -Inst	1	GRADE 20
(31) Program Coordinator	7	GRADE 20
(32) Applications Prog II -Inst	1	GRADE 19
(33) Assistant Registrar	1	GRADE 18
(34) Computer Support Spec I -Inst	2	GRADE 18
(35) DP Network Technician I -Inst	1	GRADE 18
(36) Financial Aid Officer II	2	GRADE 18
(37) Plant Maintenance Supervisor	1	GRADE 18
(38) Pub & Student Recruit Spec II	1	GRADE 18
(39) Administrative Assistant II	2	GRADE 17
(40) Special Events Coordinator	1	GRADE 17
(41) Skilled Trades Worker	2	GRADE 17
(42) Statistician II	1	GRADE 17
(43) Computer Technician II - Inst	2	GRADE 16
(44) Financial Aid Officer I	1	GRADE 16
(45) Information Specialist	1	GRADE 16
(46) Accounting Technician II	7	GRADE 15
(47) Administrative Assistant I	3	GRADE 15
(48) Administrative Office Supv	1	GRADE 15
(49) Assistant Purchasing Agent	1	GRADE 15
(50) Computer Lab Tech II - Inst	1	GRADE 15
(51) Landscape Supervisor I	1	GRADE 15
(52) Payroll Officer	1	GRADE 15
(53) Research Assistant	1	GRADE 15
(54) Administrative Secretary	5	GRADE 14
(55) Library Academic Tech III	2	GRADE 14
(56) Personnel Assistant I-Inst	1	GRADE 14
(57) Boiler Operator	2	GRADE 13
(58) Computer Lab Technician I	2	GRADE 13
(59) Institutional Teacher Assistant	1	GRADE 13
(60) Secretary II	9	GRADE 13
(61) Library Academic Technician II	1	GRADE 12
(62) Registrar's Assistant	1	GRADE 12
(63) Cashier II	1	GRADE 12
(64) Apprentice Tradesman	1	GRADE 11
(65) Laboratory Assistant II	1	GRADE 11
(66) Secretary I	10	GRADE 11

(67) Library Academic Technician I	1	GRADE 10
(68) Reproduction Equip Operator	1	GRADE 10
(69) Bldg/Equip Maint Repairman II	4	GRADE 08
(70) Custodial Supervisor II	1	GRADE 08
(71) Equipment Operator	1	GRADE 08
(72) Mail Processor	1	GRADE 08
(73) Skilled Trades Helper	1	GRADE 08
(74) Custodial Supervisor I	1	GRADE 06
(75) Custodial Worker II	6	GRADE 04
(76) Custodial Worker I	5	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(77) Division Chairperson	7	\$86,554	\$88,285
(78) Dir. of Nursing & Allied Health	1	\$85,636	\$87,349
(79) Librarian	2	\$78,580	\$80,152
(80) Director of Adult Education	1	\$75,488	\$76,998
(81) Special Instructor	9	\$65,928	\$67,247
(82) Assistant Librarian	2	\$48,938	\$49,917

NINE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(83) Faculty	137	\$65,928	\$67,247
(84) Clinical Instructor	10	\$47,135	\$48,078
(85) Part-Time Faculty	305	\$33,180	\$33,844

TWELVE MONTH AUXILIARY ENTERPRISES

NON-CLASSIFIED POSITIONS

(86) Director of Food Service	1	\$62,544	\$63,795
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TWELVE MONTH AUXILIARY ENTERPRISES

CLASSIFIED POSITIONS

(87) Bookstore Manager	1	GRADE 19
(88) Food Service Worker II	<u>2</u>	GRADE 05

MAX. NO. OF EMPLOYEES 621";

Page 4, line 5 replace "four" with "five" and delete "fifty";

Page 4, line 6 replace "(450)" with "(500)".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1556** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1556

Amend **HOUSE BILL NO. 1556** as originally introduced:

Page 2, delete lines 5 through page 3, line 19 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL**

ADMINISTRATIVE POSITIONS

(1) Chancellor, CCCUA	1	\$123,222	\$125,686
(2) Chief Academic Officer	1	\$98,901	\$100,879
(3) Chief Fiscal Officer	1	\$92,744	\$94,599
(4) Chief Student Officer	1	\$92,744	\$94,599
(5) Dir. Of Workforce Development	1	\$76,859	\$78,396
(6) Information Systems Manager	1	\$75,427	\$76,936
(7) Coord. Cont Ed & Bus Outrch.	1	\$72,374	\$73,821
(8) Director of Public Relations/ Market	1	\$72,374	\$73,821
(9) Registrar	1	\$72,374	\$73,821
(10) Director of Financial Aid	1	\$72,229	\$73,674
(11) Coordinator of Administrative Comput	1	\$71,023	\$72,443
(12) Director of Off-Campus Operations	2	\$70,972	\$72,391
(13) Director of Physical Plant	1	\$66,959	\$68,298
(14) Grants Administrator	1	\$62,588	\$63,840
(15) Assessment Coordinator	1	\$51,417	\$52,445

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(16) Database Coordinator I	1	GRADE 21
(17) Counselor II	1	GRADE 20
(18) Building & Grounds Coordinator	1	GRADE 19
(19) Accountant II	1	GRADE 19
(20) Financial Aid Officer II	1	GRADE 18
(21) Payroll Services Specialist	1	GRADE 18
(22) Personnel Assistant II - Inst	1	GRADE 18
(23) Purchasing Agent	1	GRADE 18
(24) Administrative Assistant II	2	GRADE 17
(25) Fiscal Coordinator	1	GRADE 17
(26) Program Advisor	1	GRADE 17

(27) Skilled Trades Worker	2	GRADE 17
(28) Computer Technician II	1	GRADE 16
(29) Accounting Technician II	1	GRADE 15
(30) Accounts Supervisor	1	GRADE 15
(31) Administrative Assistant I	2	GRADE 15
(32) Administrative Secretary	3	GRADE 14
(33) Secretary II	4	GRADE 13
(34) Accounting Technician I	1	GRADE 12
(35) Cashier II	1	GRADE 12
(36) Library Academic Technician II	1	GRADE 12
(37) Custodial Services Shift Supv	1	GRADE 11
(38) Secretary I	6	GRADE 11
(39) Library Academic Technician I	1	GRADE 10
(40) Bldg/Equip Maint Repairman II	1	GRADE 08
(41) Custodial Worker II	2	GRADE 04
(42) Maintenance Worker I	1	GRADE 04
(43) Custodial Worker I	2	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(44) Division Chairperson/Lead Faculty	5	\$86,554	\$88,285
(45) Director of Nursing	1	\$85,636	\$87,349
(46) Librarian	1	\$78,580	\$80,152
(47) Instructor - Nursing	4	\$71,223	\$72,647
(48) Learning Center Coordinator	2	\$55,306	\$56,412
(49) Special Instructor/Trainer	8	\$49,920	\$50,918

NINE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(50) Faculty	33	\$65,928	\$67,247
(51) Part-Time Faculty	<u>70</u>	\$33,180	\$33,844

MAX. NO. OF EMPLOYEES 183";

Page 3, line 25 replace "fifty (50)" with "eighty (80)";

Page 4, line 4 replace "97,735 97,735" with "119,706 135,691";

Page 4, line 12 replace "\$ 4,195,623 \$ 4,252,335" with "\$ 4,217,549 \$ 4,290,291";

Page 4, line 24 replace "200,000 200,000" with "250,000 300,000";

Page 4, line 35 replace "\$ 13,600,000 \$ 13,661,200" with "\$ 13,650,000 \$ 13,761,200".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1558** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1558

Amend **HOUSE BILL NO. 1558** as originally introduced:

Page 2, delete lines 3 through page 3, line 21 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL**

ADMINISTRATIVE POSITIONS

(1) President, OZC	1	\$123,222	\$125,686
(2) Chief Academic Officer	1	\$98,901	\$100,879
(3) Chief Fiscal Officer	1	\$92,744	\$94,599
(4) Chief Student Officer	1	\$92,744	\$94,599
(5) Coord. of Cont. Ed. & Bus. Outreach	1	\$72,374	\$73,821
(6) Registrar	1	\$72,374	\$73,821
(7) Director of Financial Aid	1	\$72,229	\$73,674
(8) Dir. of Planning & Assessment	1	\$71,586	\$73,018
(9) Dir. of Computer Services	1	\$71,023	\$72,443
(10) Director of Off-Campus Operations	2	\$70,972	\$72,391
(11) Business Manager	1	\$69,374	\$70,761
(12) Director of Physical Plant	1	\$66,959	\$68,298
(13) Director of Admissions	1	\$65,982	\$67,302
(14) Director of Child Care	1	\$40,888	\$41,706

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(15) Accounting Supervisor I	1	GRADE 20
(16) Asst Director of Financial Aid	1	GRADE 20
(17) Computer Support Specialist II	2	GRADE 20
(18) Applications Prog II -Inst	1	GRADE 19
(19) Financial Aid Officer II	1	GRADE 19
(20) Personnel Assistant II -Inst	1	GRADE 19
(21) Plant Maintenance Supervisor	1	GRADE 19
(22) Administrative Assistant II	1	GRADE 17
(23) Multimedia Specialist	1	GRADE 17
(24) Publicity and Information Spec	1	GRADE 17
(25) Skilled Trades Worker	1	GRADE 17
(26) Accounting Technician II	1	GRADE 15
(27) Administrative Assistant I	2	GRADE 15
(28) Assistant Purchasing Agent	1	GRADE 15
(29) Landscape Supervisor I	1	GRADE 15
(30) Payroll Officer	1	GRADE 15
(31) Administrative Secretary	1	GRADE 14
(32) Secretary II	5	GRADE 13
(33) Accounting Technician I	1	GRADE 12
(34) Apprentice Tradesman	1	GRADE 11
(35) Secretary I	2	GRADE 11
(36) Data Entry Specialist	1	GRADE 10
(37) Bldg/Equip Maint Repairman II	2	GRADE 08
(38) Custodial Worker II	2	GRADE 04
(39) Custodial Worker I	2	GRADE 03
(40) Watchman	1	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(41) Division Chairperson	2	\$86,554	\$88,285
(42) Librarian	1	\$78,580	\$80,152
(43) Director of Adult Education	1	\$75,488	\$76,998
(44) Instructor - Nursing/Resp. Therapy	5	\$71,223	\$72,647
(45) Special Instructor/Trainer	3	\$49,920	\$50,918

NINE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(46) Faculty	45	\$65,928	\$67,247
(47) Part-Time Faculty	70	\$33,180	\$33,844

TWELVE MONTH AUXILIARY ENTERPRISESCLASSIFIED POSITIONS

(48) Bookstore Office Manager	1	GRADE 14
(49) Supervisor of Cooking	1	GRADE 13
(50) Care Giver III	4	GRADE 12
(51) Baker I	1	GRADE 08
(52) Cook I	1	GRADE 08
(53) Food Service Worker II	1	GRADE 05
(54) Care Giver I	<u>1</u>	GRADE 04

MAX. NO. OF EMPLOYEES 188";

Page 3, line 26 replace "(70)" with "five (75)";

Page 4, line 3 replace "50,000 50,000" with "57,983 67,004";

Page 4, line 14 replace "\$ 3,809,401 \$ 3,860,272" with "\$ 3,817,384 \$ 3,867,276";

Page 4, line 25 replace "104,600 104,600" with "111,725 123,483";

Page 4, line 36 replace "\$ 4,052,778 \$ 4,086,620" with "\$ 4,059,903 \$ 4,105,503".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1559** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1559

Amend **HOUSE BILL NO. 1559** as originally introduced:

Page 2, delete lines 4 through page 4, line 36 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL ADMINISTRATIVE POSITIONS**

(1) President, NWACC	1	\$123,222	\$125,686
(2) Chief Academic Officer	1	\$98,901	\$100,879
(3) Dean of Institutional Technology	1	\$93,999	\$95,879
(4) Chief Development Officer	1	\$92,744	\$94,599
(5) Chief Fiscal Officer	1	\$92,744	\$94,599
(6) Chief Student Affairs Officer	1	\$92,744	\$94,599
(7) Dir. Of Community/Continuing Ed.	1	\$87,589	\$89,341
(8) Director of Institutional Research	1	\$78,580	\$80,152
(9) Director of Admin Services	1	\$77,451	\$79,000
(10) Dean of Workforce Development	1	\$76,859	\$78,396
(11) Counselor	11	\$75,487	\$76,997
(12) Registrar	1	\$72,374	\$73,821
(13) Dir. of Financial Aid	1	\$72,229	\$73,674
(14) Project/Program Administrator	20		
Project/Program Director		\$71,586	\$73,018
Project/Program Manager		\$59,945	\$61,144
Project/Program Specialist		\$54,115	\$55,197
(15) Director of Academic Computing	1	\$71,023	\$72,443
(16) Director of Admin. Computing	1	\$71,023	\$72,443
(17) Dir., Pub. Rel., Grants & Contracts	1	\$70,972	\$72,391
(18) Director of Distance Learning	1	\$70,972	\$72,391
(19) Business Manager	1	\$69,374	\$70,761
(20) Controller	1	\$69,374	\$70,761
(21) Director of Physical Plant	1	\$66,959	\$68,298
(22) Director of Enrollment Management	1	\$65,982	\$67,302
(23) Director of Admissions	1	\$65,982	\$67,302
(24) Coordinator of Student Recruitment	1	\$65,928	\$67,247
(25) Director, Career Planning/Placement	1	\$61,840	\$63,077
(26) Dir.of Student Activities/Org.	1	\$60,353	\$61,560
(27) Dir. of Vocational/Tech. Educ.	1	\$55,306	\$56,412

(28) Workforce Specialist	5	\$55,090	\$56,192
(29) Director of Disability Services	1	\$54,032	\$55,113
(30) Dir. of Developmental Education	1	\$47,449	\$48,398
(31) Academic Advisor	6	\$45,694	\$46,608

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(32) DP Network Manager II -Inst	1	GRADE 22
(33) Procurement Manager	1	GRADE 22
(34) Accounting Supervisor I	1	GRADE 20
(35) Asst Director Financial Aid	1	GRADE 20
(36) Computer Supp Spec II-Inst	3	GRADE 20
(37) DP Network Technician II -Inst	1	GRADE 20
(38) HE Public Safety Supervisor	1	GRADE 20
(39) Management Project Analyst II	1	GRADE 20
(40) Program Coordinator	10	GRADE 20
(41) Budget Specialist	1	GRADE 19
(42) Research Project Analyst	1	GRADE 19
(43) Special Events Manager	1	GRADE 19
(44) Accountant	5	GRADE 18
(45) Assistant Registrar	2	GRADE 18
(46) Computer Supp Specialist I-Inst	3	GRADE 18
(47) Financial Aid Officer II	4	GRADE 18
(48) HE Public Safety Officer II	4	GRADE 18
(49) Management Project Analyst I	1	GRADE 18
(50) Payroll Services Specialist	2	GRADE 18
(51) Personnel Assistant II-Inst	1	GRADE 18
(52) Plant Maintenance Supervisor	1	GRADE 18
(53) Skilled Trades Supervisor	1	GRADE 18
(54) Administrative Assistant II	5	GRADE 17
(55) Graphic Artist II	1	GRADE 17
(56) Inventory Control Manager	1	GRADE 17
(57) Skilled Trades Worker	5	GRADE 17
(58) Telecommunications Coordinator	1	GRADE 17
(59) Computer Technician II- Inst	2	GRADE 16
(60) Financial Aid Officer I	2	GRADE 16
(61) HE Public Safety Officer I	2	GRADE 16
(62) Accounting Technician II	8	GRADE 15
(63) Administrative Assistant I	2	GRADE 15

(64) Assistant Purchasing Agent	2	GRADE 15
(65) Laboratory Coordinator	1	GRADE 15
(66) Administrative Secretary	7	GRADE 14
(67) HE Pub Safety Security Officer II	7	GRADE 14
(68) Library Academic Technician III	2	GRADE 14
(69) Personnel Assistant I -Inst	1	GRADE 14
(70) Computer Lab Technician I -Inst	2	GRADE 13
(71) Head Cashier	1	GRADE 13
(72) Secretary II	11	GRADE 13
(73) Accounting Technician I	1	GRADE 12
(74) Cashier II	2	GRADE 12
(75) Library Academic Technician II	2	GRADE 12
(76) Registrar's Assistant	1	GRADE 12
(77) Secretary I	9	GRADE 11
(78) Shipping & Receiving Clerk	1	GRADE 11
(79) Academic Laboratory Assistant	3	GRADE 09
(80) Mail Officer	1	GRADE 09
(81) Equipment Operator	1	GRADE 08
(82) Custodial Supervisor II	1	GRADE 08
(83) Maintenance Worker II	4	GRADE 05
(84) Custodial Worker II	3	GRADE 04
(85) Maintenance Worker I	3	GRADE 04
(86) Custodial Worker I	6	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(87) Division Chairperson/Dean	8	\$86,554	\$88,285
(88) Director of Nursing	1	\$85,636	\$87,349
(89) Librarian	1	\$78,580	\$80,152
(90) Director of Allied Health	1	\$76,126	\$77,649
(91) Director of Adult Education	1	\$75,488	\$76,998
(92) Special Instructor	11	\$65,928	\$67,247
(93) Media Specialist	1	\$53,754	\$54,829
(94) Assistant Librarian	3	\$48,938	\$49,917
(95) Lab. Supervisor	7	\$41,085	\$41,907

NINE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(96) Faculty	140	\$65,928	\$67,247
(97) Part-Time Faculty	300	\$33,180	\$33,844

REGIONAL TECHNOLOGY CENTER

(98) RTC Director	1	\$103,706	\$105,780
(99) RTC Project/Program Director	1	\$74,043	\$75,524
(100) RTC Teacher	14	\$72,137	\$73,580
(101) RTC Librarian	1	\$68,816	\$70,192
(102) RTC Counselor	1	\$66,256	\$67,581
(103) RTC Project/Program Specialist	1	\$53,685	\$54,759
(104) RTC Administrative Assistant	2	\$40,074	\$40,875
(105) RTC Nurse	1	\$37,095	\$37,837
(106) RTC Printing Clerk	1	\$30,290	\$30,896
(107) RTC Registrar	1	\$27,385	\$27,933
(108) RTC Library Assistant	1	\$25,382	\$25,890
(109) RTC Administrative Secretary	5	\$24,453	\$24,942
(110) RTC Child Care Assistant	<u>9</u>	\$23,241	\$23,706

MAX. NO. OF EMPLOYEES 730";

Page 5, line 6 replace "thirty (30)" with "three hundred sixty (360)";

Page 5, line 31 replace "294,393 294,393" with "750,000 800,000";

Page 6, line 3 replace "\$ 25,533,502 \$ 26,938,220" with
"\$ 26,989,109 \$ 27,443,827".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1560** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1560

Amend **HOUSE BILL NO. 1560** as originally introduced:

Page 2, delete lines 3 through page 4, line 17 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL ADMINISTRATIVE POSITIONS**

(1) President, PTC	1	\$123,222	\$125,686
(2) Chief Academic Officer	1	\$98,901	\$100,879
(3) Chief Fiscal Officer	1	\$92,744	\$94,599
(4) Chief Student Officer	1	\$92,744	\$94,599
(5) Chief Development Officer	1	\$92,744	\$94,599
(6) Chief Information Officer	1	\$92,744	\$94,599
(7) Chief Planning & Assessment	1	\$92,744	\$94,599
(8) Director of Counseling	1	\$78,580	\$80,152
(9) Director of Institutional Research	1	\$78,580	\$80,152
(10) Dir. of Administrative Services	1	\$77,451	\$79,000
(11) Director of Evening and Special Prog	1	\$76,859	\$78,396
(12) Counselor	6	\$75,487	\$76,997
(13) Coord. of Cont. Ed. & Bus. Outrch.	1	\$72,374	\$73,821
(14) Registrar	1	\$72,374	\$73,821
(15) Director of Pub. Rel. and Marketing	1	\$72,374	\$73,821
(16) Director of Financial Aid	1	\$72,229	\$73,674
(17) Director of Computer Services	1	\$71,023	\$72,443
(18) Dir. of Academic Computing	1	\$71,023	\$72,443
(19) Director of Distance Learning	1	\$70,972	\$72,391
(20) Director of Off-Campus Operations	2	\$70,972	\$72,391
(21) Controller	1	\$69,374	\$70,761
(22) Business Manager	1	\$69,374	\$70,761
(23) Director of Physical Plant	1	\$66,959	\$68,298
(24) Director of Admissions	1	\$65,982	\$67,302
(25) Coordinator of Student Recruitment	1	\$65,928	\$67,247
(26) Associate Registrar	1	\$62,852	\$64,109
(27) Administrator, Grants and Contracts	1	\$62,588	\$63,840
(28) Coord. of Continuing Education	1	\$62,419	\$63,667
(29) Coordinator of Career Services	1	\$61,840	\$63,077
(30) Director of Student Activities	1	\$60,353	\$61,560

(31) Project/Program Manager	15	\$59,945	\$61,144
(32) Coord. of Learning Assistance Ctr	1	\$55,305	\$56,411
(33) Coordinator of Disability Services	1	\$54,032	\$55,113
(34) Academic Advisor	8	\$45,694	\$46,608

TWELVE MONTH EDUCATIONAL AND GENERAL

CLASSIFIED POSITIONS

(35) Child Care Director	1	GRADE 22
(36) Accounting Supervisor II	1	GRADE 21
(37) Accounting Supervisor I	1	GRADE 20
(38) Asst Director of Financial Aid	1	GRADE 20
(39) HE Public Safety Supervisor	1	GRADE 20
(40) Counselor II	2	GRADE 20
(41) DP Network Manager I - Inst	1	GRADE 20
(42) PTC Director of Purchasing	1	GRADE 20
(43) Program Coordinator	2	GRADE 20
(44) Application Programmer II	1	GRADE 19
(45) Coord Information Services	1	GRADE 19
(46) Accountant	2	GRADE 18
(47) Assistant Registrar	2	GRADE 18
(48) Computer Support Spec I-INST	8	GRADE 18
(49) Financial Aid Officer II	3	GRADE 18
(50) HE Public Safety Officer II	3	GRADE 18
(51) Payroll Services Specialist	1	GRADE 18
(52) Personnel Assistant II-INST	1	GRADE 18
(53) Plant Maintenance Supv	1	GRADE 18
(54) Administrative Assistant II	3	GRADE 17
(55) Graphic Artist II	1	GRADE 17
(56) Skilled Trades Worker	5	GRADE 17
(57) Computer Tech II - Inst	1	GRADE 16
(58) HE Public Safety Officer I	10	GRADE 16
(59) Accounting Technician II	5	GRADE 15
(60) Administrative Assistant I	4	GRADE 15
(61) Landscape Supervisor I	1	GRADE 15
(62) Payroll Officer	1	GRADE 15
(63) Asst. Purchasing Agent	1	GRADE 15
(64) Administrative Secretary	5	GRADE 14
(65) Library Academic Technician III	2	GRADE 14
(66) Personnel Assistant I - Inst	1	GRADE 14

(67) Secretary II	18	GRADE 13
(68) Accounting Technician I	1	GRADE 12
(69) Cashier II	1	GRADE 12
(70) Library Academic Tech II	4	GRADE 12
(71) Custodial Service Shift Supv	1	GRADE 11
(72) Secretary I	4	GRADE 11
(73) Shipping and Receiving Clerk	1	GRADE 11
(74) Mail Officer	1	GRADE 09
(75) Bldg/Equip Maint Repairman II	2	GRADE 08
(76) Custodial Worker II	4	GRADE 04
(77) Custodial Worker I	4	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(78) Division Chairperson	9	\$86,554	\$88,285
(79) Director of Library Services	1	\$78,580	\$80,152
(80) Instructor - Nursing/Resp. Therapy	6	\$71,223	\$72,647
(81) Special Instructor	7	\$65,928	\$67,247
(82) Assoc. Librarian	4	\$65,092	\$66,394
(83) Asst. Librarian	4	\$48,938	\$49,917

NINE MONTH EDUCATIONAL AND GENERAL

ACADEMIC POSITIONS

(84) Faculty	180	\$65,928	\$67,247
(85) Part-Time Faculty	<u>500</u>	\$33,180	\$33,844

MAX. NO. OF EMPLOYEES 887";

Page 4, line 35 replace "275,000 275,000" with "475,000
475,000";

Page 4, line 36 replace "\$ 12,407,009 \$ 12,575,667" with "\$ 12,607,009 \$ 12,775,667";

Page 5, line 11 replace "855,000 855,000" with "900,000 1,000,000";

Page 5, line 23 replace "\$ 115,074,000 \$ 115,355,520" with "\$ 115,119,000 \$ 115,500,520".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Thyer, **HOUSE BILL NO. 1561** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1561

Amend **HOUSE BILL NO. 1561** as originally introduced:

Page 2, delete lines 4 through page 3, line 14 and insert therefor:

" **TWELVE MONTH EDUCATIONAL AND GENERAL ADMINISTRATIVE POSITIONS**

(1) Chancellor, ASU-Mountain Home	1	\$123,222	\$125,686
(2) Vice Chancellor for Academic Affairs	1	\$98,901	\$100,879
(3) Vice Chancellor for Admin Affairs	1	\$92,744	\$94,599
(4) Vice Chancellor for Student Affairs	1	\$92,744	\$94,599
(5) Vice Chancellor for Development	1	\$92,744	\$94,599
(6) Director of Institutional Research	1	\$78,580	\$80,152
(7) Director of Human Resources/Services	1	\$78,580	\$80,152
(8) Counselor	2	\$75,487	\$76,997
(9) Dir. Cont. Ed./Business Outreach	1	\$72,374	\$73,821
(10) Director of Pub. Relations/Marketing	1	\$72,374	\$73,821
(11) Registrar	1	\$72,374	\$73,821
(12) Director of Student Financial Aid	1	\$72,229	\$73,674
(13) Director of Computer Services	1	\$71,023	\$72,443
(14) Controller	1	\$69,374	\$70,761
(15) Director of Physical Plant	1	\$66,959	\$68,298
(16) Director of Admissions	1	\$65,982	\$67,302
(17) Assistant to the Chancellor	1	\$61,840	\$63,077
(18) Project/Program Specialist	1	\$54,115	\$55,197

TWELVE MONTH EDUCATIONAL AND GENERAL CLASSIFIED POSITIONS

(19) DP Network Manager I -Inst	1	GRADE 20
(20) Applications Programmer II-Inst	1	GRADE 19
(21) Financial Aid Officer II	1	GRADE 18
(22) Plant Maintenance Supervisor	1	GRADE 18
(23) Administrative Assistant II	3	GRADE 17
(24) Skilled Trades Worker	3	GRADE 17
(25) Computer Technician II	1	GRADE 16
(26) Financial Aid Officer I	1	GRADE 16
(27) Accounting Technician II	2	GRADE 15
(28) Administrative Assistant I	3	GRADE 15

(29) Assistant Purchasing Agent	1	GRADE 15
(30) Payroll Officer	1	GRADE 15
(31) Computer Technician I-Inst	1	GRADE 14
(32) Secretary II	5	GRADE 13
(33) Cashier II	1	GRADE 12
(34) Library Academic Technician II	3	GRADE 12
(35) Registrar's Assistant	1	GRADE 12
(36) Secretary I	5	GRADE 11
(37) Receptionist	1	GRADE 10
(38) Bldg/Equip Maint Repairman II	2	GRADE 08
(39) Custodial Supervisor II	1	GRADE 08
(40) Custodial Worker II	7	GRADE 04
(41) Watchman	2	GRADE 03

TWELVE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(42) Librarian	1	\$78,580	\$80,152
(43) Assistant Librarian	1	\$48,938	\$49,917

NINE MONTH EDUCATIONAL AND GENERAL
ACADEMIC POSITIONS

(44) Faculty	50	\$65,928	\$67,247
(45) Part-Time Faculty	<u>40</u>	\$33,180	\$33,844

MAX. NO. OF EMPLOYEES 159";

Page 3, line 20 replace "thirty eight (38)" with "seventy (70)".

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative L. Smith, **HOUSE BILL NO. 1673** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1673

Amend **HOUSE BILL NO. 1673** as originally introduced:

Page 1, delete lines 10 through 12 in their entirety and substitute the following:

"OF EDUCATION - ARKANSAS STATE LIBRARY FOR STATE ASSISTANCE FOR PUBLIC LIBRARY SUMMER READING PROGRAMS FOR PRE-"

And

Page 1, delete lines 18 through 21 in their entirety and substitute the following:

"AN ACT FOR THE DEPARTMENT OF EDUCATION - ARKANSAS STATE LIBRARY - PUBLIC LIBRARY SUMMER READING PROGRAMS GENERAL IMPROVEMENT"

And

Page 1, delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. APPROPRIATION - SUMMER READING PROGRAMS. There is hereby appropriated, to the Department of Education - Arkansas State Library, to be payable from the General Improvement Fund or its successor fund or fund accounts, the following:

(A) For state assistance for public library summer reading programs for pre-school and elementary age children, the sum of\$500,000."

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Blount, **HOUSE BILL NO. 1808** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1808

Amend **HOUSE BILL NO. 1808** as engrossed,

H3/8/07 (version: 03-08-2007 09:02):

Page 1, line 10, delete "FINANCE AND ADMINISTRATION - DISBURSING" and substitute "WORKFORCE EDUCATION"

AND

Page 1, line 11, delete "OFFICER"

AND

Page 1, line 11, insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 17, delete "FINANCE" and substitute "WORKFORCE EDUCATION"

AND

Page 1, line 18, delete "AND ADMINISTRATION - DISBURSING OFFICER"

AND

Page 1, line 19, insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 26, insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 27, delete "Finance and" and substitute "Workforce Education,"

AND

Page 1, line 28, delete "Administration - Disbursing Officer,"

AND

Page 1, line 30, insert "Minority" after "Small"

AND

Page 1, line 35, insert "Minority" after "Small"

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative T. Baker, **HOUSE BILL NO. 2092** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2092

Amend **HOUSE BILL NO. 2092** as originally introduced:

Page 1, line 11, delete "PROMISED LAND" and substitute "PROGRESSIVE LIFE CENTER, INC."

AND

Page 1, line 18, delete "PROMISED LAND" and substitute "PROGRESSIVE LIFE CENTER, INC."

AND

Page 1, line 29, delete "PROMISED LAND" and substitute "Progressive Life Center, Inc."

/s/ Tommy Baker

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

/s/ Ms. Jo Renshaw
Chief Clerk

ENGROSSED BILL REPORTS

BENNY C. PETRUS, CHAIRMAN

March 13, 2007

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1012 - TITLE - BY REPRESENTATIVE ABERNATHY
HOUSE BILL NO. 1544 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1548 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1556 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1558 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1559 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1560 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1561 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1631 BY REPRESENTATIVE WILLS
HOUSE BILL NO. 1673 - TITLE - BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 1730 BY REPRESENTATIVE ABERNATHY, ET AL
HOUSE BILL NO. 1739 - TITLE - BY REPRESENTATIVE SHELBY, ET AL
HOUSE BILL NO. 1783 BY REPRESENTATIVE KING
HOUSE BILL NO. 1808 - TITLE - BY REPRESENTATIVE BLOUNT, ET AL
HOUSE BILL NO. 2092 - TITLE - BY REPRESENTATIVE T. BAKER
HOUSE BILL NO. 2212 BY REPRESENTATIVE S. DOBBINS
HOUSE BILL NO. 2233 BY REPRESENTATIVE THYER
HOUSE BILL NO. 2249 BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 2298 BY REPRESENTATIVE KING, ET AL
HOUSE BILL NO. 2316 BY REPRESENTATIVE REEP
HOUSE BILL NO. 2321 BY REPRESENTATIVE EDWARDS
HOUSE BILL NO. 2325 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 2343 BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 2352 - TITLE - BY REPRESENTATIVE GREENBERG, ET AL
HOUSE BILL NO. 2390 BY REPRESENTATIVE HOYT, ET AL
HOUSE BILL NO. 2399 BY REPRESENTATIVE S. DOBBINS, ET AL
HOUSE BILL NO. 2437 BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 2460 - TITLE - BY REPRESENTATIVE WEBB, ET AL
HOUSE BILL NO. 2464 BY REPRESENTATIVE S. DOBBINS
HOUSE BILL NO. 2474 - TITLE - BY REPRESENTATIVE LAMOUREUX
HOUSE BILL NO. 2477 BY REPRESENTATIVE LAMOUREUX
HOUSE BILL NO. 2491 BY REPRESENTATIVE SHELBY
HOUSE BILL NO. 2499 BY REPRESENTATIVE MEDLEY

ENGROSSED BILL REPORTS, CONTINUED

HOUSE BILL NO. 2541 BY REPRESENTATIVE WOOD, ET AL
 HOUSE BILL NO. 2622 - TITLE - BY REPRESENTATIVE GLIDEWELL, ET AL
 HOUSE BILL NO. 2625 BY REPRESENTATIVE SUMPTER
 HOUSE BILL NO. 2627 BY REPRESENTATIVE WILLS
 HOUSE BILL NO. 2628 BY REPRESENTATIVE R. GREEN, ET AL
 HOUSE BILL NO. 2658 BY REPRESENTATIVE D. JOHNSON
 HOUSE BILL NO. 2672 BY REPRESENTATIVE COOK
 HOUSE BILL NO. 2691 BY REPRESENTATIVE MALOCH
 HOUSE BILL NO. 2742 - TITLE - BY REPRESENTATIVE BREEDLOVE, ET AL
 HOUSE BILL NO. 2743 - TITLE - BY REPRESENTATIVE BREEDLOVE, ET AL
 HOUSE BILL NO. 2750 - TITLE - BY REPRESENTATIVE S. DOBBINS
 HOUSE BILL NO. 2783 BY REPRESENTATIVE STEWART
 HOUSE BILL NO. 2805 - TITLE - BY REPRESENTATIVE T. BAKER
 HOUSE BILL NO. 2811 - TITLE - BY REPRESENTATIVE HARRELSON

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1012

BY: REPRESENTATIVE ABERNATHY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN EXPUNGED OFFENSES CAUSE DISQUALIFICATION FROM EMPLOYMENT, LICENSURE, CERTIFICATION, OR OTHER ACTIVITIES FOR.

HOUSE BILL ENGROSSED AS TITLE AMENDED
 HOUSE BILL NO. 1673

BY: REPRESENTATIVE L. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION - ARKANSAS STATE LIBRARY FOR STATE ASSISTANCE FOR PUBLIC LIBRARY SUMMER READING PROGRAMS FOR PRE-SCHOOL AND ELEMENTARY AGE CHILDREN; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1739

BY: REPRESENTATIVES SHELBY, *DAVIS, HARDWICK, HOUSE, ABERNATHY, ALLEN, BLOUNT, CASH, CHEATHAM, CORNWELL, DICKINSON, S. DOBBINS, W. LEWELLEN, LOWERY, MAXWELL, MOORE, PICKETT, POWERS, S. PRATER, RAGLAND, RAINEY, J. ROEBUCK, L. SMITH, STEWART, WOOD*
BY: SENATORS ALTES, CRUMBLY, G. JEFFRESS, MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO FUND PUBLIC HEALTH PROGRAMS AND SERVICES FOR THE UNDERSERVED BY IMPOSING ADDITIONAL CIGARETTE AND TOBACCO TAXES AND TO INCREASE GENERAL REVENUES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1808

BY: REPRESENTATIVES BLOUNT, *T. BAKER, E. BROWN, CHESTERFIELD, DAVIS, S. DOBBINS, FLOWERS, HARDY, W. LEWELLEN*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF *WORKFORCE EDUATION* FOR THE SMALL *MINORITY* CONTRACTORS SURETY BONDING AND MENTOR PROTEGEE TRAINING PILOT PROGRAM; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2092

BY: REPRESENTATIVE T. BAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE *PROGRESSIVE LIFE CENTER, INC.* MENTORING PROGRAM FOR YOUTH; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2352

BY: REPRESENTATIVES GREENBERG, WEBB, ADCOCK, BOND, D. CREEKMORE, S. DOBBINS, HYDE, D. JOHNSON, S. PRATER, *ROSENBAUM*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE COMPOSITION OF ADVERTISING AND PROMOTION COMMISSIONS IN MUNICIPALITIES WITH A POPULATION OF *ONE HUNDRED TWENTY-FIVE THOUSAND (125,000)* OR MORE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2460

BY: REPRESENTATIVES WEBB, ADCOCK, T. BAKER, BLOUNT, BOND, T. BRADFORD, BREEDLOVE, E. BROWN, J. BROWN, BURRIS, CASH, CHEATHAM, CHESTERFIELD, COOK, D. CREEKMORE, DICKINSON, S. DOBBINS, DUNN, EDWARDS, GARNER, HALL, HARRELSON, HOUSE, HOYT, D. HUTCHINSON, HYDE, D. JOHNSON, J. JOHNSON, W. LEWELLEN, LOVELL, MALOCH, MOORE, PATE, PENNARTZ, PETRUS, PICKETT, PIERCE, POWERS, S. PRATER, RAINEY, REEP, REYNOLDS, J. ROEBUCK, SAUNDERS, SCHULTE, SHELBY, L. SMITH, STEWART, SULLIVAN, SUMPTER, WAGNER, WALTERS, WILLS, WOODS, *ROSENBAUM, MAXWELL*

BY: SENATORS ARGUE, BROADWAY, BROWN, BRYLES, FARIS, J. JEFFRESS, MADISON, MALONE, SALMON, R. THOMPSON, *CRUMBLY*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE GOVERNOR'S COMMISSION ON GLOBAL WARMING; TO DIRECT THE COMMISSION TO STUDY ISSUES RELATED TO GLOBAL WARMING AND THE EMERGING CARBON MARKET; TO ESTABLISH A GLOBAL WARMING POLLUTANT REDUCTION GOAL AND COMPREHENSIVE STRATEGIC PLAN; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2474

BY: REPRESENTATIVE LAMOUREUX

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO PLACE A MEMBER OF THE LANDLORDS ASSOCIATION OF ARKANSAS ON THE ARKANSAS FAIR HOUSING COMMISSION; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2622

BY: REPRESENTATIVES GLIDEWELL, MEDLEY

BY: SENATOR ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM MOTOR VEHICLE LIABILITY INSURANCE COVERAGE; TO AUTHORIZE LAW *ENFORCEMENT* TO IMPOUND A MOTOR VEHICLE OPERATED WITHOUT A LICENSE OR REGISTRATION; TO PROVIDE FOR PAYMENT OF TOWING AND STORAGE CHARGES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2742

BY: REPRESENTATIVES BREEDLOVE, WALTERS, WELLS, *HOYT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A PRESUMPTION OF DIMINISHED UTILITY OF THE SURFACE ESTATE IF SEPARATE FROM THE MINERAL ESTATE ON WHICH A WELL IS DRILLED; TO ALLOW FOR A REDUCTION IN THE ASSESSMENT VALUE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2743

BY: REPRESENTATIVES BREEDLOVE, *WALTERS, WELLS, HOYT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR DAMAGES AND COMPENSATION FOR THE USE OF LAND BY PERSONS OTHER THAN THE SURFACE OWNER OF THE LAND; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2750

BY: REPRESENTATIVE S. DOBBINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO SUBJECT *QUASI-GOVERNMENTAL BODIES* TO THE FREEDOM OF INFORMATION ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2805

BY: REPRESENTATIVE T. BAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE REGISTERED NURSES AND NURSE PRACTITIONERS TO PRONOUNCE DEATH AND TO COMPLETE AND SIGN MEDICAL DEATH CERTIFICATES FOR RESIDENTS OF LONG-TERM CARE FACILITIES, AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2811

BY: REPRESENTATIVE HARRELSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 16-46-106 CONCERNING THE COST OF EACH PHOTOCOPY OF MEDICAL RECORDS; TO AMEND ARKANSAS CODE § 16-46-301, § 16-46-302, § 16-46-305, AND § 16-46-308 TO INCLUDE MEDICAL RECORDS FROM PHYSICIAN OFFICES AS SELF-AUTHENTICATING UNDER THE HOSPITAL RECORDS ACT, § 16-46-301 ET SEQ.; TO PROVIDE A REASONABLE FEE FOR COPYING MEDICAL RECORDS; AND FOR OTHER PURPOSES.

Morning Hour Expired.

HOUSE BILL NO. 2685

BY: REPRESENTATIVE WOODS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sumpter, Thyer, Wagner, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: L. Evans, Harrelson, Kenney, Sullivan, Walters, Mr. Speaker.

Total6

VOTING PRESENT: W. Lewellen.

Total1

Total number of votes cast94

Total number voting in the affirmative93

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

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

Upon motion of Representative Webb, HOUSE BILL NO. 2460 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2460

Amend HOUSE BILL NO. 2460 as engrossed,

H3/7/07 (version: 03-07-2007 08:46):

Add Senator Crumbly as a cosponsor to the bill

AND

Page 2, line 1, delete "twenty (20)" and substitute "twenty-one (21)"

AND

Page 2, line 7, delete "Sixteen (16)" and substitute "Seventeen (17)"

AND

Page 2, delete lines 22 through 36, and substitute the following:

"(J) One (1) member who is an economist from an accredited state institution of higher education;

(K) One (1) member from the construction industry with experience in sustainable energy construction or design; and

(L) Two (2) members who are citizens at large.

(c) The commission shall establish and appoint an advisory body composed of the directors of the following state agencies or his or her designee:

- (1) Arkansas Agriculture Department;
- (2) Arkansas Department of Environmental Quality;
- (3) Arkansas Forestry Commission;
- (4) Arkansas Highway and Transportation Department;
- (5) Arkansas Natural Resources Commission;
- (6) Arkansas Public Service Commission;
- (7) Arkansas State Game and Fish Commission;
- (8) Department of Economic Development;
- (9) Department of Parks and Tourism; and
- (10) Oil and Gas Commission."

/s/ Kathy Webb

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

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 2324

BY: REPRESENTATIVE BURRIS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cornwell, D. Creekmore, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, Hoyt, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sumpter, Thyer, Wagner, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total88

NEGATIVE: Cooper.

Total1

ABSENT OR NOT VOTING: L. Cowling, Davenport, Harrelson, House, D. Hutchinson, M. Martin, Pyle, Rogers, Sullivan, Walters, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative88

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

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

HOUSE BILL NO. 2270

BY: REPRESENTATIVE HYDE

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

AFFIRMATIVE: Abernathy, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, Burkes, Cash, Chesterfield, Cook, L. Cowling, Davis, Dickinson, S. Dobbins, Dunn, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, D. Hutchinson, Hyde, Jeffrey, Kenney, Key, Kidd, King, Lamoureux, M. Martin, Maxwell, Moore, Norton, Pace, Patterson, Pennartz, Pierce, Ragland, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Walters, Wells, Wills, Woods.

Total60

NEGATIVE: Adcock, Allen, Berry, E. Brown, J. Brown, Burris, Cheatham, Cooper, Cornwell, D. Creekmore, Davenport, Edwards, Flowers, R. Green, House, D. Johnson, J. Johnson, W. Lewellen, Lovell, Lowery, Maloch, Medley, Pate, Pickett, Powers, S. Prater, Rainey, L. Smith, Sullivan, Sumpter, Thyer, Wagner, Wood, Wyatt.

Total34

ABSENT OR NOT VOTING: Harrelson, Hoyt, Overbey, Pyle, Webb, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative.....60

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

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

Upon motion of Representative Hyde the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 2270**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, Burkes, Cash, Chesterfield, Cook, Cornwell, L. Cowling, Davis, Dickinson, S. Dobbins, Dunn, D. Evans, Everett, Garner, Gaskill, George, Glidewell, Greenberg, Hardwick, Hardy, Harris, Hawkins, D. Hutchinson, Hyde, Kenney, Key, Kidd, King, Lamoureux, Maloch, M. Martin, Maxwell, Moore, Norton, Patterson, Pennartz, Pierce, Ragland, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Stewart, Wagner, Walters, Wells, Wills, Woods.

Total57

NEGATIVE: Adcock, Allen, Berry, E. Brown, J. Brown, Burris, Cheatham, D. Creekmore, Davenport, Edwards, Flowers, R. Green, House, D. Johnson, J. Johnson, W. Lewellen, Lovell, Lowery, Medley, Pate, Pickett, Powers, Pyle, Rainey, Sample, Shelby, L. Smith, Sullivan, Sumpter, Thyer, Wyatt.

Total31

ABSENT OR NOT VOTING: Cooper, L. Evans, Hall, Harrelson, Hoyt, Jeffrey, Overbey, Pace, S. Prater, Webb, Wood, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative57

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause failed.

Representative S. Dobbins moved that the record by which **HOUSE BILL NO. 2750 AMENDMENT #1** passed be expunged from the record, which motion prevailed by more than 67 votes.

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, Davenport, Davis, S. Dobbins, Edwards, D. Evans, Everett, Flowers, Garner, Gaskill, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Saunders, Schulte, Shelby, L. Smith, Stewart, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Wyatt.

Total79

NEGATIVE: Burkes, L. Cowling, Kenney, Lamoureux, Rogers, Sample, Sullivan, Woods.

Total8

ABSENT OR NOT VOTING: Berry, D. Creekmore, Dickinson, Dunn, L. Evans, George, Hall, Harrelson, M. Martin, Maxwell, Pace, Rosenbaum, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative79

Necessary to the adoption of the motion67

So the Motion was adopted.

Upon motion of Representative S. Dobbins, **HOUSE BILL NO. 2750** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2750

Amend **HOUSE BILL NO. 2750** as originally introduced:

Page 1, line 9, delete "THE USA RICE FEDERATION" and substitute "QUASI-GOVERNMENTAL BODIES"

AND

Page 1, delete lines 14 through 16 and substitute the following:

"AN ACT TO SUBJECT QUASI-GOVERNMENTAL BODIES TO THE FREEDOM OF INFORMATION ACT."

AND

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code Title 25, Chapter 19 is amended to add an additional subchapter to read as follows:

25-19-201. Quasi-governmental bodies.

(a) As used in this section, "quasi-governmental body" means an organization that has been approved for tax exempt status under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code as it existed on January 1, 2007, that primarily contracts with or handles activities agreed upon with the Arkansas Rice Research and Promotion Board.

(b) A quasi-governmental body that accepts and expends public funds from the Arkansas Rice Research and Promotion Board shall agree to provide records and information in accordance with the Freedom of Information Act of 1967, § 25-19-101 et seq.

(c) Accepting public funds constitutes a contractual agreement between the Director of the Department of Finance and Administration and the Arkansas Rice Research and Promotion Board."

/s/ Sharon Dobbins

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 2256

BY: REPRESENTATIVE E. BROWN

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Baker, Harrelson, Wagner, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative.....96

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

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

HOUSE BILL NO. 2536

BY: REPRESENTATIVE BURRIS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Harrelson, Pace, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

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

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

HOUSE BILL NO. 2359

BY: REPRESENTATIVE E. BROWN

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Woods, Wyatt.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Harrelson, Wells, Mr. Speaker.	
Total	3
VOTING PRESENT:	
Total	0
Total number of votes cast	97
Total number voting in the affirmative.....	97
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 2248

BY: REPRESENTATIVE D. HUTCHINSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burriss, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, D. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total91

NEGATIVE: J. Johnson, Kenney, Pace, Pickett.

Total4

ABSENT OR NOT VOTING: T. Baker, Berry, Harrelson, Jeffrey, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative91

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

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

HOUSE BILL NO. 2413

BY: REPRESENTATIVE DICKINSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Burkes, Harrelson, D. Hutchinson, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative.....96

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

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

HOUSE BILL NO. 2414

BY: REPRESENTATIVE DICKINSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, R. Green, Harrelson, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

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

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

Representative Harris moved that the record by which **HOUSE BILL NO. 2448** passed be expunged from the record, which motion prevailed by more than 67 votes.

AFFIRMATIVE: Abernathy, Allen, Anderson, T. Baker, Blount, Bond, T. Bradford, E. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, Dunn, Edwards, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total85

NEGATIVE: Adcock, Berry, R. Green, J. Johnson.

Total4

ABSENT OR NOT VOTING: Breedlove, J. Brown, S. Dobbins, D. Evans, Harrelson, D. Johnson, Pickett, Rogers, L. Smith, Sumpter, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative85

Necessary to the adoption of the motion67

So the Motion was adopted.

Representative Harris moved that the House re-refer **HOUSE BILL NO. 2448** back to the Committee on House Rules. Motion carried.

SENATE BILL NO. 609

BY: SENATE EFFICIENCY

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: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Cheatham, Hall, Harrelson, Kenney, Sample, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 609**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Cheatham, Hall, Harrelson, Kenney, Sample, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 263

BY: SENATOR HORN

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, George, Glidewell, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Walters, Webb, Wells, Wills, Woods, Wyatt.

Total88

NEGATIVE: Gaskill.

Total1

ABSENT OR NOT VOTING: Berry, Bond, R. Green, Greenberg, Harrelson, Moore, Pickett, Pierce, Wagner, Wood, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

SENATE BILL NO. 295

BY: SENATOR MILLER

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Baker, Chesterfield, Harrelson, Pickett, Mr. Speaker.

Total5

VOTING PRESENT: Flowers.

Total1

Total number of votes cast.....95

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

SENATE BILL NO. 266

BY: SENATOR SALMON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Harrelson, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

SENATE BILL NO. 217

BY: SENATOR G. JEFFRESS

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

AFFIRMATIVE: Abernathy, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, Davenport, Davis, Dickinson, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Medley, Moore, Norton, Overbey, Pace, Patterson, Pennartz, Pierce, Powers, Pyle, Ragland, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total83

NEGATIVE: Adcock, Allen, Bond, E. Brown, D. Creekmore, Garner, Maxwell, Pickett, S. Prater, Rainey, L. Smith.

Total11

ABSENT OR NOT VOTING: S. Dobbins, Harrelson, Pate, Mr. Speaker.

Total4

VOTING PRESENT: Hardy, Sumpter.

Total2

Total number of votes cast96

Total number voting in the affirmative83

Necessary to the passage of the bill51

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

SENATE BILL NO. 231

BY: SENATOR LAVERTY

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Harrelson, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

SENATE BILL NO. 382

BY: SENATOR LUKER

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

AFFIRMATIVE: Abernathy, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, Glidewell, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Wyatt.

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adcock, Burkes, Dunn, George, R. Green, Harrelson, Lamoureux, Maxwell, Wells, Woods, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

Necessary to the passage of the bill51

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

SENATE BILL NO. 780

BY: SENATOR HORN

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: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hall, Harrelson, Sample, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 780**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hall, Harrelson, Sample, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 170

BY: SENATOR BROADWAY

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: Abernathy, Adcock, Allen, Anderson, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, George, Glidewell, R. Green, Greenberg, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Woods, Wyatt.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Baker, Bond, Gaskill, Hall, Hardwick, Harrelson, Overbey, Pate, Rainey, Sample, Wells, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative88

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 170**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, George, Glidewell, R. Green, Greenberg, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Woods, Wyatt.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Baker, Bond, Gaskill, Hall, Hardwick, Harrelson, Overbey, Pate, Rainey, Sample, Wells, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 284

BY: SENATOR BROADWAY

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: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Garner, Gaskill, Hall, Harrelson, Sample, Sumpter, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 284**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Garner, Gaskill, Hall, Harrelson, Sample, Sumpter, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 785

BY: SENATOR WOMACK

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: Abernathy, Allen, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, Davenport, Davis, S. Dobbins, Dunn, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Hardy, Harris, House, Hoyt, Hyde, Jeffrey, Kenney, Key, Kidd, King, W. Lewellen, Lowery, M. Martin, Maxwell, Moore, Overbey, Pace, Patterson, Pickett, Pierce, Powers, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, Stewart, Sumpter, Wagner, Webb, Wood, Woods, Wyatt.

Total66

NEGATIVE: Adcock, Bond, Burris, Cash, D. Creekmore, D. Evans, Glidewell, Greenberg, D. Johnson, J. Johnson, Lovell, Maloch, Medley, Pate, Pennartz, S. Prater, Pyle, L. Smith, Thyer, Walters, Wells.

Total21

ABSENT OR NOT VOTING: Dickinson, Edwards, Hall, Harrelson, Hawkins, D. Hutchinson, Norton, Sample, Sullivan, Wills, Mr. Speaker.

Total11

VOTING PRESENT: Hardwick, Lamoureux.

Total2

Total number of votes cast.....89

Total number voting in the affirmative66

Necessary to the passage of the bill51

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

***** EXPUNGED*****03/13/07*****

There being an Emergency Clause attached to SENATE BILL NO. 785, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Allen, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, Davenport, Davis, S. Dobbins, Dunn, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Hardy, Harris, House, Hoyt, Hyde, Jeffrey, Kenney, Key, Kidd, King, W. Lewellen, Lowery, M. Martin, Maxwell, Moore, Overbey, Pace, Patterson, Pickett, Pierce, Powers, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, Stewart, Sumpter, Wagner, Webb, Wood, Woods, Wyatt.

Total66

NEGATIVE: Adcock, Bond, Burris, Cash, D. Creekmore, D. Evans, Glidewell, Greenberg, D. Johnson, J. Johnson, Lovell, Maloch, Medley, Pate, Pennartz, S. Prater, Pyle, L. Smith, Thyer, Walters, Wells.

Total21

ABSENT OR NOT VOTING: Dickinson, Edwards, Hall, Harrelson, Hawkins, D. Hutchinson, Norton, Sample, Sullivan, Wills, Mr. Speaker.

Total11

VOTING PRESENT: Hardwick, Lamoureux.

Total2

Total number of votes cast.....89

Total number voting in the affirmative66

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause failed.

***** EXPUNGED*****03/13/07*****

Representative Thyer moved that the record by which the Emergency Clause to **SENATE BILL NO. 785** failed to pass be expunged from the record, which motion prevailed by more than 67 votes.

There being an Emergency Clause attached to **SENATE BILL NO. 785**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, Davenport, S. Dobbins, Dunn, Edwards, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Moore, Norton, Overbey, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, Stewart, Sumpter, Thyer, Wagner, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total81

NEGATIVE: Bond, D. Creekmore, D. Evans, Greenberg, D. Johnson, J. Johnson, Maloch, Medley, Pate, L. Smith, Walters.

Total11

ABSENT OR NOT VOTING: Davis, Dickinson, Hall, Harrelson, Lamoureux, Sample, Sullivan, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative81

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 787

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: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hall, Harrelson, Lamoureux, Sample, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 787**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hall, Harrelson, Lamoureux, Sample, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 788

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: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Woods, Wyatt.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Bond, Glidewell, Hall, Harrelson, Pate, Sample, Wells, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill75

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

There being an Emergency Clause attached to **SENATE BILL NO. 788**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Anderson, T. Baker, Blount, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Greenberg, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wills, Wood, Woods, Wyatt.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Bond, Glidewell, Hall, Harrelson, Pate, Sample, Wells, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative91

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 2248 BY REPRESENTATIVE D. HUTCHINSON
 HOUSE BILL NO. 2256 BY REPRESENTATIVE E. BROWN
 HOUSE BILL NO. 2324 BY REPRESENTATIVE BURRIS
 HOUSE BILL NO. 2359 BY REPRESENTATIVE E. BROWN
 HOUSE BILL NO. 2413 BY REPRESENTATIVE DICKINSON
 HOUSE BILL NO. 2414 BY REPRESENTATIVE DICKINSON
 HOUSE BILL NO. 2536 BY REPRESENTATIVE BURRIS
 HOUSE BILL NO. 2685 BY REPRESENTATIVE WOODS

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 170 BY SENATOR BROADWAY
 SENATE BILL NO. 217 BY SENATOR G. JEFFRESS
 AS AMENDED #2, & 3
 SENATE BILL NO. 231 BY SENATOR LAVERTY
 AS AMENDED #1 & 2
 SENATE BILL NO. 263 BY SENATOR HORN
 SENATE BILL NO. 266 BY SENATOR SALMON
 AS AMENDED #1
 SENATE BILL NO. 284 BY SENATOR BROADWAY
 SENATE BILL NO. 295 BY SENATOR MILLER
 AS AMENDED #1 & 2
 SENATE BILL NO. 382 BY SENATOR LUKER
 SENATE BILL NO. 609 BY SENATE EFFICIENCY
 SENATE BILL NO. 780 BY SENATOR HORN
 SENATE BILL NO. 785 BY SENATOR WOMACK
 SENATE BILL NO. 787 BY JOINT BUDGET COMMITTEE
 SENATE BILL NO. 788 BY JOINT BUDGET COMMITTEE

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1023 BY REPRESENTATIVE R. GREEN
HOUSE BILL NO. 1031 BY REPRESENTATIVE GASKILL
HOUSE BILL NO. 1070 BY REPRESENTATIVE REEP
HOUSE BILL NO. 1085 BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1159 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1185 BY REPRESENTATIVE EVERETT
HOUSE BILL NO. 1188 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1189 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1191 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1242 BY REPRESENTATIVE GARNER
HOUSE BILL NO. 1439 BY REPRESENTATIVE W. LEWELLEN
AS AMENDED # 1& 2
HOUSE BILL NO. 1454 BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 1462 BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1525 BY REPRESENTATIVE EDWARDS
HOUSE BILL NO. 1576 BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1578 BY REPRESENTATIVE WELLS
HOUSE BILL NO. 1716 BY REPRESENTATIVE PATE
HOUSE BILL NO. 1718 BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1772 BY REPRESENTATIVE GLIDEWELL
HOUSE BILL NO. 2227 BY REPRESENTATIVE J. ROEBUCK
HOUSE BILL NO. 2273 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 2274 BY JOINT BUDGET COMMITTEE

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

HOUSE CONCURRENT
RESOLUTION NO. 1010 BY REPRESENTATIVE OVERBEY
HOUSE CONCURRENT
RESOLUTION NO. 1013 BY REPRESENTATIVE PENNARTZ
HOUSE CONCURRENT
RESOLUTION NO. 1016 BY REPRESENTATIVE HARRELSON

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 100	BY SENATOR J. JEFFRESS
SENATE BILL NO. 140	BY SENATOR J. JEFFRESS
SENATE BILL NO. 142	BY SENATOR J. JEFFRESS
SENATE BILL NO. 149	BY SENATOR FARIS
SENATE BILL NO. 236	BY SENATOR MADISON
SENATE BILL NO. 334	BY SENATOR STEELE
SENATE BILL NO. 443	BY SENATOR MALONE
SENATE BILL NO. 799	BY SENATOR CRITCHER
SENATE BILL NO. 840	BY SENATOR GLOVER
SENATE BILL NO. 849	BY SENATOR TRUSTY
SENATE BILL NO. 868	BY SENATOR STEELE

ARKANSAS SENATE
SENATE CONCURRENT MEMORIAL RESOLUTIONS ADOPTED
AND TRANSMITTED TO THE HOUSE

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 4	BY SENATOR BISBEE
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ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 13, 2007

MR. SPEAKER:

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

HOUSE BILL NO. 1341 BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 1345 BY REPRESENTATIVE WOOD
HOUSE BILL NO. 1452 BY REPRESENTATIVES HARDY & REEP
HOUSE BILL NO. 1521 BY REPRESENTATIVE WALTERS
HOUSE BILL NO. 1536 BY REPRESENTATIVE OVERBEY, ET AL
HOUSE BILL NO. 1569 BY REPRESENTATIVE WALTERS, ET AL
HOUSE BILL NO. 1607 BY REPRESENTATIVE HOYT
HOUSE BILL NO. 1622 BY REPRESENTATIVE OVERBEY
HOUSE BILL NO. 1683 BY HOUSE MANAGEMENT
HOUSE BILL NO. 1692 BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1810 BY REPRESENTATIVE LOWERY
HOUSE BILL NO. 2220 BY REPRESENTATIVE LOWERY

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 9:30 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Benny C. Petrus, Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1341 BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 1345 BY REPRESENTATIVE WOOD
HOUSE BILL NO. 1452 BY REPRESENTATIVES HARDY & REEP
HOUSE BILL NO. 1521 BY REPRESENTATIVE WALTERS
HOUSE BILL NO. 1536 BY REPRESENTATIVE OVERBEY, ET AL
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HOUSE BILL NO. 1683 BY HOUSE MANAGEMENT
HOUSE BILL NO. 1692 BY REPRESENTATIVE D. CREEKMORE
HOUSE BILL NO. 1810 BY REPRESENTATIVE LOWERY
HOUSE BILL NO. 2220 BY REPRESENTATIVE LOWERY

/s/ Mike Beebe - Governor

TIME: 9:30 a.m.

By: Sarah Agee

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2691

"TO ESTABLISH A LEGAL FRAMEWORK FOR THE REGULATION OF SERVICE
CONTRACTS."

Amendment No. 1 to House Bill No. 2691.

Amend House Bill No. 2691 as originally introduced:

(Delete Section 1 on page 1, line 20 and substitute the following:)

"SECTION 1. Arkansas Code Title 4 is amended to add an additional
chapter to read as follows:

CHAPTER 112 — SERVICE CONTRACTS ACT

4-112-101. Title.

This chapter shall be known and may be cited as the "Service Contracts
Act".

4-112-102. Scope and purpose.

(a) The purpose of this chapter is to:

- (1) Create a legal framework within which service contracts are defined, may be sold, and are regulated in this state;
- (2) Add significant consumer protections; and
- (3) Eliminate unnecessary administration.

(b) A service contract under § 4-112-103 is not insurance and is not subject to the Arkansas Insurance Code.

(c) This chapter does not apply to:

- (1) Warranties;
- (2) Maintenance agreements;
- (3) Commercial transactions;
- (4) Warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Arkansas Public Service Commission;
- (5) Service contracts sold or offered for sale to persons other than consumers;
- (6) Motor vehicle service contracts as defined in and regulated pursuant to the Motor Vehicle Service Contract Act, § 4-90-501, et seq.; or
- (7) Mechanical breakdown insurance.

(d) Manufacturer's service contracts on the manufacturer's products are subject only to §§ 4-112-106(a), 4-112-106(d) — (g), 4-112-107, and 4-112-111.

(e) Other than mechanical breakdown insurance, the types of agreements referred to in subsections (c) and (d) of this section, and service contracts governed under this chapter are not insurance and are not subject to compliance with any provision of the insurance laws of this state.

4-112-103. Definitions.

As used in this chapter:

- (1) "Administrator" means the person who is responsible for the administration of a service contract;
- (2) "Consumer" means an individual who buys other than for purposes of resale any tangible personal property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or resale purposes;
- (3) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only;
- (4) "Manufacturer" means a person that:
 - (A) Manufactures or produces property and sells the property under its own name or label;
 - (B) Is a wholly owned subsidiary of the person that manufactures or produces that property;
 - (C) Is a corporation that owns one hundred percent (100%) of the person that manufactures or produces the property;
 - (D) Does not manufacture or produce the property, but the property is sold under its trade name label;
 - (E) Manufactures or produces the property and the property is sold under the trade name or label of another person; or
 - (F) Does not manufacture or produce the property but licenses the use of its trade name or label under a written contract with another person that sells the property under the licensor's trade name or label;
- (5) "Mechanical breakdown insurance" means a policy, a contract, or an agreement issued by an authorized insurer that provides for the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or service, for the operations or structural failure of the property due to a defect in materials or workmanship or to normal wear and tear;

- (6) "Nonoriginal manufacturer's parts" means replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";
- (7) "Person" means an individual, a partnership, a corporation, an incorporated or unincorporated association, a joint stock company, a reciprocal, a syndicate, or any similar entity or combination of entities acting in concert;
- (8) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy;
- (9) "Provider" means a person that is contractually obligated to the service contract holder under the terms of the service contract;
- (10) "Provider fee" means the consideration paid for a service contract;
- (11) "Reimbursement insurance policy" means a policy of insurance issued to a provider to either:
- (A) Provide reimbursement to the provider under the terms of the insured service contracts issued or sold by the provider; or
 - (B) In the event of the provider's nonperformance, to pay on behalf of the provider all covered contractual obligations incurred by the provider under the terms of the insured service contracts issued or sold by the provider;
- (12)(A) "Service contract" means a contract or an agreement for a separately stated consideration and for a specific duration to perform the service, repair, replacement, or maintenance of property or indemnification for service, repair, replacement, or maintenance, for the operational or structural failure of property due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including without limitation, unavailability of parts, obsolescence, food spoilage, rental, or shipping.
- (B) "Service contract" does not include mechanical breakdown insurance or maintenance agreements.
 - (C) A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental damage from handling.
 - (D) A service contract is not insurance in this state or otherwise regulated under the Arkansas Insurance Code;
- (13) "Service contract holder" means a person that is the

purchaser or holder of a service contract; and

(14) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without charge that:

(A) Is not negotiated or separated from the sale of the product;

(B) Is incidental to the sale of the product; and

(C) Guarantees indemnity for defective parts, mechanical breakdown, or electrical breakdown, and labor or other remedial measures, such as repair or replacement of the property or repetition of services.

4-112-104. Requirements for doing business.

(a) A provider may appoint an administrator or other designee to be responsible for all or part of the administration of service contracts and compliance with this chapter.

(b) Service contracts shall not be issued, sold, or offered for sale in this state unless the provider or its designee has:

(1) Provided a receipt or other written evidence of the purchase of the service contract to the contract holder;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with this chapter.

(c)(1) Each provider of service contracts sold in this state shall file a registration with the Insurance Commissioner consisting of its name, full corporate address, telephone number and contact person, evidence of compliance with subsection (d) of this section, a designation of a person in this state for service of process, and any other information required to be submitted by rule of the commissioner.

(2) Each provider shall pay to the commissioner a fee in the amount of two hundred dollars (\$200) upon initial registration and every year thereafter.

(3) The registration shall be updated by written notification to the commissioner if material changes occur in the registration.

(d) In order to assure the faithful performance of a provider's obligations to its contract holders, each provider that is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer licensed, registered, or authorized to transact

insurance in this state, or a surplus lines insurer that is authorized under § 23-65-310 and maintains statutory capital and surplus of at least fifteen million dollars (\$15,000,000) at all times while the reimbursement insurance policy is in force;

(2)(A) Maintain a funded reserve account for its obligations under its contracts issued and outstanding in this state.

(B) The reserves shall not be less than forty percent (40%) of gross consideration received less claims paid on the sale of all unexpired service contracts.

(C) The reserve account shall be subject to examination and review by the commissioner;

(3) Place in trust with the commissioner a financial security deposit having a value of not less than five percent (5%) of the gross consideration received less claims paid on the sale of all unexpired service contracts, but not less than twenty-five thousand dollars (\$25,000), consisting of a surety bond issued by an authorized surety; or

(4)(A) Maintain a net worth of one hundred million dollars (\$100,000,000) on its own or together with its parent company if the parent company executes a parental guarantee in a form acceptable to the commissioner.

(B) Upon request, the provider shall provide the commissioner with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission within the last calendar year, or if the company does not file with the Securities and Exchange Commission, a copy of the company's audited financial statements, which shows an independent net worth of the provider or its parent company of at least one hundred million dollars (\$100,000,000).

(C) If the provider's parent company's Form 10-K, Form 20-F or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

(e) Except for the requirements specified in subsection (d) of this section, no other financial security requirements shall be required by the commissioner for a provider.

(f)(1) Provider fees collected on service contracts shall not be

subject to premium taxes.

(2) Premiums for reimbursement insurance policies shall be subject to applicable taxes.

(g) Except for the registration requirements in subsection (c) of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with this chapter are exempt from this state's licensing requirements.

(h) Providers complying with this chapter are not required to comply with other provisions of the Arkansas Insurance Code.

4-112-105. Required disclosures — Reimbursement insurance policy.

(a) Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall state that the insurer that issued the reimbursement insurance policy shall:

(1) Reimburse or pay on behalf of the provider any covered sums the provider is legally obligated to pay; or

(2) In the event of the provider's nonperformance, shall provide the service that the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

(b) In the event covered service is not provided by the provider within sixty (60) days of proof of loss by the service contract holder, the service contract holder is entitled to apply directly to the reimbursement insurance company.

4-112-106. Required disclosure — Service contracts.

(a) A service contract issued, sold, or offered for sale in this state shall:

(1) Be written in clear, understandable language that is easy to read; and

(2) Conspicuously disclose the applicable requirements of this section.

(b)(1) A service contract insured under a reimbursement insurance policy under § 4-112-104(d)(1) shall contain the name and address of the insurer and a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty (60) days after proof of loss has been filed, the service contract holder is entitled to make a claim directly against the insurance company".

(2) A claim against the provider may include a claim for return of the unearned provider fee.

(c)(1) A service contract not insured under a reimbursement insurance policy under § 4-112-104(d)(1) shall conspicuously state the name and address of the provider and contain a statement in substantially the following form:

“Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (issuer) and are not guaranteed under a service contract reimbursement insurance policy”.

(2) A claim against the provider shall also include a claim for return of the unearned provider fee.

(d) A service contract shall identify the administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

(e)(1) A service contract or a service contract holder's receipt shall state the total purchase price and the terms under which service contract is sold.

(2) The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale with the service contract holder.

(f) If prior approval of repair work is required, a service contract shall state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

(g) A service contract shall:

(1) Disclose the deductible amount;

(2) Specify the merchandise and services to be provided and any limitations, exceptions, or exclusions;

(3)(A) State the conditions upon which the use of the nonoriginal manufacturer's parts or substitute service may be allowed.

(B) Conditions stated shall comply with applicable state and federal laws;

(4) State any terms, restrictions, or conditions governing the transferability of the service contract;

(5)(A) State the terms, restrictions, or conditions governing termination of the service contract by the service contract holder.

(B)(i) The provider of the service contract shall mail a written notice to the contract holder within fifteen (15) days of the date of termination in the event the provider terminates the service contract.

(ii) Prior notice is not required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the service contract holder to the provider, or a substantial breach of duties by the service contract holder relating to the covered product or its use.

(C) The notice shall state the effective date of the cancellation and the reason for the cancellation.

(D) A pro rata refund of the unearned portion of the provider fee, less the amount or value of any claims paid, shall accompany the notice unless cancellation is for nonpayment;

(6)(A) Require every provider to permit the service contract holder to return the contract within no less than twenty (20) days of the date of mailing of the service contract or no less than ten (10) days if the service contract is delivered at the time of sale or within a longer time period permitted under the service contract.

(B) If no claim has been made under the service contract, the service contract is void and the provider shall refund to the service contract holder the full purchase price of the service contract.

(C) A ten percent (10%) penalty per month shall be added to a refund that is not paid within forty-five (45) days of return of the service contract to the provider.

(D) The applicable free-look time period on service contracts shall only apply to the original service contract purchaser and only if no claim has been made prior to its return to the provider;

(7) Set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance; and

(8) Clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

4-112-107. Prohibited acts.

(a)(1) A provider shall not use a name:

(A) With the words insurance, casualty, surety, mutual, or any other words descriptive of the insurance, casualty, or surety business; or

(B) Deceptively similar to the name or description of any

insurance or surety corporation or any other provider.

(2)(A) This subsection shall not apply to a company that was using any of the prohibited language in its name prior to the effective date of this chapter.

(B) However, a company using the prohibited language in its name shall conspicuously disclose in its service contracts that the service contract is not an insurance contract.

(b) A provider or its representative shall not in its service contracts or literature make or permit or cause to be made any false or misleading statement or deliberately omit any material statement that would be considered misleading if omitted in connection with the sale, offer to sell, or advertisement of a service contract.

(c) A person, including without limitation, bank, savings and loan association, lending institution, manufacturer, or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

4-112-108. Recordkeeping requirements.

(a)(1) A provider shall keep accurate accounts, books, and records concerning transactions regulated under this chapter.

(2) A provider's accounts, books, and records shall include:

(A) A copy of each type of service contract issued;

(B) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(C) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(D) Claims files containing at a minimum the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

(3) Except as provided in subsection (b) of this section, a provider shall retain all records pertaining to each service contract holder for at least three (3) years after the specified period of coverage has expired.

(4)(A) A provider may keep all records required under this chapter on a computer disk or other similar technology.

(B) If a provider maintains records in other than hard copy, records shall be accessible from a computer terminal available to the Insurance Commissioner and be capable of duplication to legible hard copy.

(b) A provider discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to service contract holders in this state.

(c) A provider shall make all accounts, books, and records concerning transactions regulated under this chapter or other pertinent laws available to the commissioner upon request.

(d) The books and records requirement of this section may be delegated by the provider to its administrator or other designee, but such delegation shall not relieve the provider of its obligations to have the books and records maintained and produced upon the commissioner's request.

4-112-109. Cancellation of reimbursement insurance policy.

(a) An insurer that issued a reimbursement insurance policy shall not terminate the policy until at least sixty (60) days' notice of termination has been mailed or delivered to the Insurance Commissioner and in accordance with any other applicable law.

(b) The termination of a reimbursement insurance policy shall not reduce the insurer's responsibility for service contracts issued by providers prior to the date of the termination.

4-112-110. Obligation of reimbursement insurance policy insurers.

(a)(1) Providers are considered to be the agent of the insurer that issued a reimbursement insurance policy for the purpose of obligating an insurer for the acts of its agents, including the collection of moneys not forwarded.

(2) If a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

(b) This chapter shall not prevent or limit the right of an insurer that issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay a service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

4-112-111. Enforcement provisions.

(a) The Insurance Commissioner may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of this chapter and protect service contract holders in this state.

(b)(1) The commissioner may take any action that is necessary or appropriate to enforce the provisions of this chapter and the commissioner's

rules and orders to protect service contract holders in this state.

(2) The commissioner may order a provider to cease and desist from committing violations of this chapter or the commissioner's rules or orders, may issue an order prohibiting a provider from selling or offering a service contract for sale, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated this chapter or the commissioner's rules or orders.

(3)(A) A person aggrieved by an order issued under this subsection may request a hearing before the commissioner by filing a request with the commissioner within twenty (20) days of the commissioner's order.

(B) Pending the hearing and the decision by the commissioner, the commissioner shall suspend the effective date of the order.

(C)(i) At the hearing, the burden shall be on the commissioner to show why the order is justified.

(ii) The provisions of § 23-61-301 et seq. shall apply to a hearing requested under this subsection.

(4)(A) The commissioner may bring an action in the Pulaski County Circuit Court for an injunction or other appropriate relief for threatened or existing violations of this chapter or of the commissioner's rules or orders.

(B) An action filed under this subdivision (b)(3)(A) of this section may also seek restitution on behalf of persons aggrieved by a violation of this chapter or a rule or an order of the commissioner.

(5)(A) A person in violation of this chapter or a rule or an order of the commissioner may be assessed a civil penalty not to exceed five hundred dollars (\$500) per violation and no more than ten thousand dollars (\$10,000) in the aggregate for all violations of a similar nature.

(B) For purposes of this subdivision (b)(5), violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the act, conduct, or practice that is determined to be a violation of this chapter has occurred.

(c) The authority of the commissioner under this section is in addition to other authorities of the commissioner.

4-112-112. Rules.

The Insurance Commissioner may promulgate rules necessary to effectuate this chapter.

4-112-113. Effective date — Exception.

This chapter shall become effective and apply to all service contracts issued on or after October 1, 2007. However, a provider engaged in the service contract business in this state on or before the effective date of this chapter that submits an application for registration as a provider under this chapter within thirty (30) days after the Insurance Commissioner makes the application available may continue to engage in business as a provider in this state until final agency action is taken by the commissioner regarding the registration application and all rights to administrative judicial review have been exhausted or have expired."

The Amendment was read

By: Representative Maloch

DLP/SML - 03-09-2007 10:08

DLP388

Chief Clerk

MEMORANDUM TO WHOM IT MAY CONCERN

RE: Amendment #2 to HB 1808

Page 2

March 13, 2007

AND

Page 1, line 29, delete "AND ADMINISTRATION - DISBURSING OFFICER"

AND

Page 1, line 31, insert "Minority" after "Small"

AND

Page 1, line 36, insert "Minority" after "Small"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB 1808.

/s/ Benny C. Petrus

Speaker of the House

/s/ J R Rogers

/s/ David Dunn, Chairman

House Rules

/s/ George Overbey, Jr.

/s/ Lenville Evans, Chairman

House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 1808

"AN ACT FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION -
DISBURSING OFFICER - SMALL CONTRACTORS SURETY BONDING AND MENTOR
PROTEGEE TRAINING PILOT PROGRAM GENERAL IMPROVEMENT
APPROPRIATION."

Amendment No. 2 to House Bill No. 1808.

Amend House Bill No. 1808 as engrossed, H3/8/07 (version: 03-08-2007 09:02):

Page 1, line 40,(11) delete "FINANCE AND ADMINISTRATION - DISBURSING" and substitute "WORKFORCE EDUCATION"

AND

Page 1, line 44,(12) delete "OFFICER"

AND

Page 1, line 44,(12) insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 47,(18) delete "FINANCE" and substitute "WORKFORCE EDUCATION"

AND

Page 1, line 48,(19) delete "AND ADMINISTRATION - DISBURSING OFFICER"

AND

Page 1, line 49,(20) insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 26,(27) insert "MINORITY" between "SMALL" and "CONTRACTORS"

AND

Page 1, line 27,(28), delete "Finance and" and substitute "Workforce Education,"

AND

Page 1, line 28,(29) delete "Administration - Disbursing Officer,"

AND

Page 1, line 30,(31) insert "Minority" after "Small"

AND

Page 1, line 35,(36) insert "Minority" after "Small"

The Amendment was read _____

By: Representative Blount

MAH/MAH - 03-12-2007 15:14 _____

MAH282

Chief Clerk

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2805

"AN ACT TO AUTHORIZE NURSES A TO PRONOUNCE DEATH A FOR RESIDENTS OF LONG-TERM CARE FACILITIES."

Amendment No. 1 to House Bill No. 2805.

Amend House Bill No. 2805 as originally introduced:

Page 1, delete lines 45 (16)through49 (18) and substitute the following:

"AN ACT TO AUTHORIZE NURSES TO PRONOUNCE DEATH FOR RESIDENTS OF LONG-TERM CARE FACILITIES."

AND

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 20-18-601(c)-(e), concerning preparation and filing of death certificates, are amended to read as follows:

(c)(1) The medical certification shall be completed, signed, and returned to the funeral director within two (2) business days after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

(2)(A) In the absence of the physician, or with his or her approval, the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, by the pathologist who performed an autopsy upon the decedent, or by a registered nurse or an advanced practice nurse as provided in subdivision (c)(2) of this section this subdivision (c)(2), provided the individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

(B) The person completing the cause-of-death section of the certificate shall attest to its accuracy either by a signature or by approved electronic process.

(3)(A) A registered nurse or an advanced practice nurse employed by the attending hospice may complete and sign the medical certification of death for a patient who is terminally ill, whose death is anticipated, who is receiving services from a hospice program certified under § 20-7-117, and who

dies in a hospice inpatient program or as a hospice patient in a nursing home may pronounce death and complete and sign the medical certification of death, when:

- (i) Death occurs:
 - (a) From natural causes; and
 - (b) In a hospital, a nursing facility, a hospice, or a private home served by a home health care provider or a hospice; and
 - (ii) The patient is under the care of a physician who is unable to be present within a reasonable period of time to certify the fact of death.
- (B) The registered nurse or an advanced practice nurse may release the body to the funeral director after notifying the county coroner and the chief law enforcement officer in accordance with § 12-12-315, the family, and the attending physician and after certifying the fact of death and completing and signing the medical certification of death.
- (C) The registered nurse or an advanced practice nurse shall document the clinical criteria for the determination and pronouncement of death in the patient's medical record.
- (D) The hospital, nursing home, home health care provider, or hospice provider shall have adopted written policies and procedures that provide for the determination and pronouncement of death by a registered nurse or an advanced practice nurse.
- (E) This subdivision (c)(3) does not authorize a registered nurse or an advanced practice nurse to determine the cause of death.
- (F)(i) A registered nurse or an advanced practice nurse who determines death under this subdivision (c)(3) is not liable for civil damages and is not subject to criminal prosecution for his or her actions or the actions of others based on the determination of death.
- (ii) A person who acts in good faith reliance of a registered nurse's determination of death or an advanced practice nurse's determination of death is not liable for civil damages or subject to criminal prosecution for the person's actions.
- (4) If the hospice patient dies in the home, the registered nurse may make pronouncement of death. However, the county coroner and the chief law enforcement official of the county or municipality where death occurred shall be immediately notified in accordance with § 12-12-315.

(5)(4)(A) The Division of Health of the Department of Health and Human Services shall provide hospitals, nursing homes, and hospices with the appropriate death certificate forms which will be made available to the attending physicians, coroners, registered nurses, advanced practice nurses, or other certifiers of death.

(B) When death occurs outside these health facilities, the funeral home shall provide the death certificate to the certifier.

(d)(1) If the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by either any of the laws referred to in subsection (c) of this section, the case shall be referred to the office of the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found for investigation to determine and certify the cause of death.

(2) If the State Medical Examiner or county coroner determines that the case does not fall within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the physician for completion of the medical certification.

(e) When inquiry is required by either any of the laws referred to in subsection (c) of this section, the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case."

The Amendment was read

By: Representative T. Baker

MGF/CDS - 03-12-2007 13:13

MGF511

Chief Clerk

SENATE BILL NO. 100

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING BENEFITS, CREDITED SERVICE, ELIGIBILITY REQUIREMENTS, EMPLOYEE AND EMPLOYER CONTRIBUTIONS, AND THE ADMINISTRATION OF THE ARKANSAS STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

SENATE BILL NO. 140

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING DISABILITY RETIREMENT UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 142

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE ARKANSAS TEACHER RETIREMENT SYSTEM EMPLOYER CONTRIBUTION RATE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

SENATE BILL NO. 236

BY: SENATOR MADISON**BY: REPRESENTATIVE EDWARDS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY COMMUNICATIONS ACT OF 1985 TO ADD DEFINITIONS; TO LEVY ADDITIONAL SERVICE CHARGES; TO CHANGE THE CMRS EMERGENCY TELEPHONE SERVICES BOARD'S NAME; TO CLARIFY THE BOARD'S DUTIES CONCERNING THE FUNDS COLLECTED FROM LEVIES; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 334

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THAT OUT-OF-STATE TUITION PAID BY THE STATE OF ARKANSAS BE REPAID IF THE STUDENT DOES NOT RETURN TO THE STATE TO PRACTICE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 443

BY: SENATORS MALONE, FARIS**BY: REPRESENTATIVE HAWKINS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE LEAVE FOR STATE EMPLOYEES TO PARTICIPATE IN THEIR CHILDREN'S EDUCATIONAL ACTIVITIES; AND FOR OTHER PURPOSES.

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. 840

BY: SENATORS GLOVER, CRITCHER, BOOKOUT, CAPPS, HENDREN, B. JOHNSON, J. TAYLOR, TRUSTY, WILKINS, BROADWAY, *ALTES, ARGUE, BAKER, BISBEE, BROWN, BRYLES, CRUMBLY, FARIS, HILL, HORN, G. JEFFRESS, J. JEFFRESS, LAVERTY, LUKER, MADISON, MALONE, MILLER, B. PRITCHARD, SALMON, T. SMITH, STEELE, R. THOMPSON, WHITAKER, WILKINSON, WOMACK*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE ARKANSAS STATE HIGHWAY COMMISSION TO ISSUE FEDERAL HIGHWAY GRANT ANTICIPATION AND TAX REVENUE BONDS FOR THE PURPOSES OF CONSTRUCTING AND RENOVATING ROADS AND HIGHWAYS; PROVIDING FOR A STATEWIDE ELECTION ON THE QUESTION OF ISSUING BONDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 849

BY: SENATOR TRUSTY

BY: REPRESENTATIVE LOVELL

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 26-18-303 TO ALLOW THE ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT TO OBTAIN FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION INFORMATION RELATED TO ECONOMIC DEVELOPMENT INCENTIVES; 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. 868

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH THE HUMAN SERVICES WORKERS IN THE SCHOOLS PROGRAM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 4

BY: SENATORS BISBEE, HENDREN

BY: REPRESENTATIVES PACE, HARDWICK, HARRIS, BURKES, KENNEY, ANDERSON, D. HUTCHINSON

A BILL FOR AN ACT TO BE ENTITLED IN RESPECTFUL MEMORY OF JUDGE TERRY CRABTREE AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE JUDICIARY AND TO THE PEOPLE OF ARKANSAS.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

Upon motion of Representative David Evans, the House adjourned at 2:35 p.m. until 1:30 p.m., Wednesday, March 14, 2007.

ATTEST:

Benny C. Petrus
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

