

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

Little Rock, Arkansas

March 16, 2007

The House was called to order at 10:07 a.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, 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.

Total99

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

Total1

A quorum was present.

Unanimous leave was granted for Representative(s) Ragland.

The House stood and was led in prayer by Reverend Allen Blackford, Pastor, Central Missionary Baptist Church, Warren, 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 16, 2007
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	LINDA CHESTERFIELD CHAIRPERSON
HOUSE BILL NO. 2739	DO PASS
BY REPRESENTATIVE D. JOHNSON	AS AMENDED #1
HOUSE CONCURRENT RESOLUTION NO. 1038	DO PASS
BY REPRESENTATIVE KEY	

COMMITTEE REPORT

	March 16, 2007
AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT	TOMMY DICKINSON CHAIRPERSON
HOUSE BILL NO. 2390	DO PASS
BY REPRESENTATIVE HOYT	
HOUSE BILL NO. 2434	DO PASS
BY REPRESENTATIVE MALOCH	
HOUSE BILL NO. 2451	DO PASS
BY REPRESENTATIVE MALOCH	
HOUSE BILL NO. 2788	DO PASS
BY REPRESENTATIVE SAUNDERS	
HOUSE BILL NO. 2812	DO PASS
BY REPRESENTATIVE SULLIVAN	
SENATE BILL NO. 440	DO PASS
BY SENATOR HILL	
SENATE BILL NO. 768	DO PASS
BY SENATOR HORN	

COMMITTEE REPORT

	March 16, 2007
CITY, COUNTY AND LOCAL AFFAIRS	STEPHANIE FLOWERS CHAIRPERSON
HOUSE BILL NO. 2692 BY REPRESENTATIVE OVERBEY	DO PASS
HOUSE RESOLUTION NO. 1022 BY REPRESENTATIVE STEWART	DO PASS
SENATE BILL. 637 BY SENATOR I. BROWN	DO PASS
SENATE BILL. 766 BY SENATOR SALMON	DO PASS

COMMITTEE REPORT

	March 16, 2007
INSURANCE AND COMMERCE	SID ROSENBAUM CHAIRPERSON
HOUSE BILL NO. 2392 BY REPRESENTATIVE D. JOHNSON	DO PASS
HOUSE BILL NO. 2407 BY REPRESENTATIVE BOND	DO PASS AS AMENDED #1 (DLP 437)
HOUSE BILL NO. 2543 BY REPRESENTATIVE WOOD	DO PASS
HOUSE BILL NO. 2691 BY REPRESENTATIVE MALOCH	DO PASS AS AMENDED #2 (DLP 436)
HOUSE BILL NO. 2693 BY REPRESENTATIVE BOND	DO PASS

COMMITTEE REPORT

INSURANCE AND COMMERCE	March 16, 2007
	DAVID WYATT
	VICE-CHAIRPERSON
HOUSE BILL NO. 2548	DO PASS
BY REPRESENTATIVE ROSENBAUM	

COMMITTEE REPORT

STATE AGENCIES AND	March 16, 2007
GOVERNMENTAL AFFAIRS	JEFF WOOD
	CHAIRPERSON
HOUSE BILL NO. 1439	DO PASS, TO CONCUR
BY REPRESENTATIVE W. LEWELLEN	IN SENATE AMENDMENTS #1 & 2
HOUSE BILL NO. 2367	DO PASS
BY REPRESENTATIVE GREENBERG	
HOUSE BILL NO. 2383	DO PASS
BY REPRESENTATIVE REEP	
HOUSE BILL NO. 2460	DO PASS
BY REPRESENTATIVE WEBB	

Upon motion of Representative J. Roebuck, **HOUSE BILL NO. 2792** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2792

Amend **HOUSE BILL NO. 2792** as originally introduced:

Page 2, line 7, delete "uniform" and substitute "minimum"

AND

Page 2, line 9, delete "applying for initial licensure or relicensure" and substitute "applying for initial or additional licensure"

AND

Page 2, line 11, delete "uniform"

AND

Page 2, line 12, delete "applying for initial licensure or relicensure" and substitute "applying for initial or additional licensure"

AND

Page 2, line 13, delete "uniform and specific" and substitute "minimum"

AND

Page 2, delete lines 15 through 17 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 2, line 19, delete "practice" and substitute "student"

AND

Page 3, delete line 7 and substitute the following:

"pertaining to the specific requirements for initial or additional teacher licensure"

AND

Page 3, lines 10 through 12 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 3, line 14, delete "practice" and substitute "student"

AND

Page 3, line 17, delete "uniform"

AND

Page 3, line 23, delete "uniform"

AND

Page 3, delete lines 30 through 36

AND

Page 4, delete lines 1 through 6

AND

Page 4, line 7, delete "(f)(1)" and substitute "(e)(1)"

AND

Page 4, delete line 12 and substitute the following:

"(2) An applicant for the reciprocal administrator's license with less than five (5) years of experience"

AND

Page 8, line 3, delete "nineteen (19)" and substitute "seventeen (17)"

AND

Page 8, line 6, delete "Six (6)" and substitute "Four (4)"

AND

Page 8, line 9, delete "six (6)" and substitute "four (4)"

AND

Page 8, line 10, delete "and include:" and substitute "and include classroom teachers who are licensed and teach at:"

AND

Page 8, delete lines 17 and 18 and substitute the following:

"(iv) Any licensure level to serve in one (1) at-large position:"

AND

Page 8, line 25, delete "and"

AND

Page 8, line 26, delete "Three (3)" and substitute "Two (2)"

AND

Page 8, line 27, delete "teaching license" and substitute "teaching and administrator's license"

AND

Page 8, delete lines 28 and 29, and substitute the following:

"Arkansas Association of School Administrators; and

(D) One (1) public school administrator with a valid Arkansas"

AND

Page 8, delete line 32 and substitute the following:

"(4) One (1) nonvoting representative designated by the"

AND

Page 8, delete lines 35 and 36 and substitute the following:

"(5)(A) Three (3) deans of education from Arkansas institutions of higher education recommended by the Arkansas Association of Colleges for

Teacher Education.

AND

Page 9, delete lines 1 through 3 and substitute the following:

"(B)(i) One (1) dean shall be from a private institution of higher education;

(ii) One (1) dean shall be from a public institution of higher education; and

(iii) One (1) of whom shall have knowledge of licensure issues;"

AND

Page 9, line 4, delete "(7)" and substitute "(6)"

AND

Page 9, line 6, delete "(8)" and substitute "(7)"

AND

Page 10, line 11, delete "uniform" and substitute "minimum"

AND

Page 10, line 12, delete "or relicensure" and substitute "or additional licensure"

AND

Page 10, line 13, delete "uniform and specific" and substitute "minimum"

AND

Page 10, delete lines 15 through 17 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 10, line 28, delete "uniformity" and substitute "alignment with standards"

AND

Page 10, delete lines 31 through 33 and substitute the following:

"(b) The audits shall use state standards or national standards for licensure programs, or a combination of both."

AND

Page 11, delete lines 11 and 12 and substitute the following:

"(3)(A) Establish a code of ethics for administrators and teachers in educational environments for students in"

AND

Page 11, line 31, delete "complaints" and substitute "complaints referred by the Department of Education"

AND

Page 11, delete lines 34 through 36

AND

Page 12, delete line 1

/s/ Johnnie J. Roebuck

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. 2 TO HOUSE BILL NO. 2316

Amend **HOUSE BILL NO. 2316** as engrossed,

H3/13/07 (version: 03-13-2007 11:32):

Page 2, delete lines 21 through 24 and substitute:

"(2) If the General Assembly does not provide funding for the Arkansas Heavy Equipment Operator Training Academy, the University of Arkansas at Monticello may choose not to fund 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 Wells, **HOUSE BILL NO. 1830** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1830

Amend **HOUSE BILL NO. 1830** as originally introduced:

Page 1, line 33, strike "Fund," and substitute "Fund, to include any monies received from the General Improvement Fund, or its successor fund or fund accounts,"

AND

Delete Section 2 of the bill in its entirety

AND

Appropriately renumber the sections of the bill.

/s/ John Paul Wells

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. 2 TO HOUSE BILL NO. 2249

Amend **HOUSE BILL NO. 2249** as engrossed,

H3/13/07 (version: 03-13-2007 11:38):

Page 1, delete lines 26 through 36 entirely

AND

Page 2, delete lines 1 through 36 entirely

AND

Page 3, delete lines 1 through 3 entirely

AND

Page 3, line 4, delete "SECTION 2." and substitute "SECTION 1."

AND

Page 3, line 16, delete "SECTION 3." and substitute "SECTION 2."

AND

Page 3, line 28, delete "For" and substitute "Except as provided under subsection (d)"

of this section, for"

AND

Page 4, line 3, delete "two (2)" and substitute "four (4)"

AND

Page 4, line 8, delete "two (2)" and substitute "four (4)"

AND

Page 5, line 1, delete "two (2)" and substitute "~~two (2)~~ four (4)"

AND

Page 5, line 14, delete "two (2)" and substitute "four (4)"

AND

Page 5, delete line 24 and substitute:

"credited to the division as direct revenue.

(d)(1) In lieu of the photo identification card issued under this section, a person who holds a valid driver's license or identification card issued under the laws of this state may choose to have an endorsement on his or her driver's license or identification card that authorizes parking in areas designated as parking for a person with a disability.

(2) If a driver's license endorsement or identification card endorsement is chosen under this section, then the issuance and expiration of the driver's license shall correspond with the expiration date of the special person-with-a-disability certificate issued under this section.

AND

Page 5, line 26, delete "SECTION 4." and substitute "SECTION 3."

AND

Page 5, delete line 32 and substitute:

"(2)(A) ~~Vehicles~~ Except as provided under subdivision (a)(2)(B) of this section, a parking space reserved for a person with a"

AND

Page 6, delete line 3 and substitute:

~~"disabilities and designated "van-accessible".~~

(B) If the parking lot or parking facility has only one (1) parking space reserved for a person with a disability, then the limitation of use under subsection (a)(2)(A) shall not apply.

AND

Page 6, line 5, delete "SECTION 5." and substitute "SECTION 4."

AND

Page 6, delete line 23 and substitute:

"displayed on each parking space for persons with disabilities and visible to the

driver's eye level shall be"

AND

Page 7, line 5, delete "SECTION 6." and substitute "SECTION 5."

AND

Page 7, line 17, delete "SECTION 7." and substitute "SECTION 6."

AND

Page 7, line 32, delete "SECTION 8." and substitute "SECTION 7."

/s/ Sandra Prater

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. 2612** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2612

Amend **HOUSE BILL NO. 2612** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-95-101 is amended to read as follows:

17-95-101. "Good Samaritan" law.

(a) Any person licensed as a physician or surgeon under the laws of the State of Arkansas ~~or any other person~~, who, in good faith, lends emergency care or assistance without compensation at the place of an emergency or accident, ~~and who was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered~~, shall not be liable for any civil damages for acts or omissions performed in good faith as long as any act or omission resulting from the rendering of emergency assistance or services was not grossly negligent or willful misconduct.

(b) Any person who is not a physician, surgeon, nurse, or other person trained or skilled in the treatment of medical emergencies who is present at an emergency or accident scene, and who:

(1) Believes that the life, health, and safety of an injured person or a person who is under imminent threat of danger could be aided by reasonable and

accessible emergency procedures under the circumstances existing at the scene thereof;

(2) Proceeds to lend emergency assistance or service in a manner ~~reasonably~~ calculated in good faith to lessen or remove the immediate threat to the life, health, or safety of such a person;

~~(3) Lends only such emergency care or assistance as a reasonable and prudent person concerned for the immediate protection of the life, health, and safety of the person for whom the services were rendered would lend under the circumstances,~~

shall not be held liable in civil damages in any action in this state for any ~~harm, injury, or death of any such person so long as the person rendering such services acted in good faith and was acting as a reasonable and prudent person would have acted under the circumstances present at the scene at the time the services were rendered~~ act or omission resulting from the rendering of emergency assistance or services unless the act or omission was not in good faith and was the result of gross negligence or willful misconduct.

(c) No physician or surgeon who in good faith and without compensation renders voluntary emergency medical assistance to a participant in a school athletic event or contest at the site thereof or during transportation to a health care facility for an injury suffered in the course of the event or contest shall be liable for any civil damages as a result of any acts or omissions by that physician or surgeon in rendering the emergency medical care. The immunity granted by this subsection shall not apply in the event of an act or omission constituting gross negligence.

(d) For the purposes of this section and any other law of this state which takes effect on or after January 1, 1994, the term "physician" shall mean a person licensed by the Arkansas State Medical Board, the Arkansas State Board of Chiropractic Examiners, or the State Podiatry Examining Board."

/s/ Daniel Greenberg

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pace, **HOUSE BILL NO. 2586** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2586

Amend **HOUSE BILL NO. 2586** as originally introduced:

Add Representatives Berry, Blount, Cook, Glidewell, Hardy, J. Johnson, Patterson, Rainey, and Schulte as cosponsors of the bill

AND

Delete everything following the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 6-1-301(b)(8), concerning the composition of the Arkansas Commission for Coordination of Educational Efforts, is amended to read as follows:

(8) ~~The Executive Chief Information Officer~~ The Director of the Department of Finance and Administration or the director's designee;

SECTION 2. Arkansas Code § 6-21-112(e)(1), concerning the Division of Public School Academic Facilities and Transportation, is amended to read as follows:

(e)(1) ~~The Executive Chief Information Officer~~ Director of the Department of Finance and Administration shall assign one (1) individual ~~from the staff of the Office of Information Technology~~ to serve as a technology liaison to the division.

SECTION 3. Arkansas Code 6-47-305(d)(5), concerning the Distance Learning Coordinating Council, is amended to read as follows:

(5) Staff support shall be provided by appropriate personnel from the Department of Education, the Department of Workforce Education, the Department of Higher Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, and the state's public institutions of higher education, ~~and the Office of Information Technology~~ with the assistance of any appropriate staff of the other agencies whose directors serve on the commission.

SECTION 4. Arkansas Code § 6-47-502(b)(3), concerning distance learning grants, is amended to read as follows:

(3) The distance learning technical protocol or protocols shall be in alignment with technical standards set by the ~~office of the Executive Chief Information Officer~~ Director of the Department of Finance and Administration.

SECTION 5. Arkansas Code 10-3-1704(b)(1)(B)(iii), concerning the Joint Committee on Advanced Communications and Information Technology, is amended to read as follows:

(iii)(a) The committee shall review any plan developed or updated by a public instrumentality.

~~(b) The committee may seek the assistance of the Office of Information Technology of the Department of Information Systems in conducting this review.~~

SECTION 6. Arkansas Code 12-75-132, concerning the Arkansas Homeland Security Advisory Group, is amended to read as follows:

(b) The advisory group shall consist of representatives of federal, state, and local agencies and professional associations as determined by the Director of the Arkansas Department of Emergency Management. The advisory group shall include, at a minimum, representatives of the following:

- (1) Arkansas Department of Emergency Management;
- (2) Arkansas Ambulance Association;
- (3) Arkansas Association of Chiefs of Police;
- (4) Arkansas Association of Fire Chiefs;
- (5) Arkansas Citizen Corps Point of Contact;
- (6) Arkansas Department of Environmental Quality;
- (7) Department of Health;
- (8) Arkansas Emergency Management Association;
- (9) Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department;
- (10) Arkansas Livestock and Poultry Commission;
- (11) Arkansas Municipal League;
- (12) National Guard;
- (13) 61st Civil Support Team of the National Guard;
- (14) Arkansas Sheriffs' Association;
- (15) Department of Arkansas State Police;
- (16) State Plant Board;
- (17) County Judges Association of Arkansas;
- (18) Centers for Disease Control;
- (19) Department of Information Systems;
- (20) Federal Bureau of Investigation;
- (21) Health Resources and Services Administration of the United States Department of Health and Human Services;
- ~~(22) Office of Information Technology;~~
- ~~(23)~~(22) United States Secret Service;
- ~~(24)~~(23) United States Attorney for the Eastern District of Arkansas;

and

~~(25)~~(24) United States Attorney for the Western District of Arkansas.

SECTION 7. Arkansas Code § 15-21-503 is amended to read as follows:

15-21-503. Creation - Board.

(a) The Arkansas State Land Information Board is created.

(b)(1)(A) The board shall be composed of twelve (12) voting members appointed by the Governor for terms of four (4) years.

(B) At the time of appointment or reappointment, the appointing authority shall adjust the length of terms to ensure that the terms of members of the board are staggered so that, insofar as possible, an equal number of members shall rotate each year.

(2) The board shall be composed of the following members or their designees:

(A) Three (3) state entity representatives;

(B) Three (3) city, county, and local government representatives;

(C) Three (3) private sector representatives; and

(D) Three (3) representatives of institutions of higher education.

(3) All members of the board shall have knowledge of the use and usefulness of digital land and geographic information in the management of government and a general awareness of the role of mapping as related to that management.

(4) No person shall serve as a member of the board for more than two (2) full consecutive terms.

(5) Upon the death, disability, resignation, removal, or refusal to serve of any member, the Governor shall appoint a qualified person to complete board membership.

(c)(1)(A) A chair and a vice chair shall be elected by the board membership to oversee all board and committee meetings.

(B) Members of the board must elect a chair and vice chair every year.

(2)(A) The board will work with the State Geographic Information Coordinator assigned by the ~~Executive Chief Information Officer~~ Director of the Department of Information Systems with approval from the board.

(B) The State Geographic Information Coordinator will:

(i) Assist the board in developing a comprehensive plan and evaluation procedures on how the state should implement tactical and strategic geographic information systems and land information systems planning;

(ii) Implement informational and educational programs;

and

(iii) Coordinate intrastate geographic information systems and land information systems efforts.

(C) The State Geographic Information Coordinator shall report directly to the ~~Executive Chief Information Officer~~ Director of the Department of Information Systems.

(d)(1) The State Geographic Information Coordinator shall administer daily operations of the Arkansas Geographic Information Office with direction from the board.

(2) This may include liaison between the board and the Governor, the ~~Executive Chief Information Officer~~ Director of the Department of Information Systems, and public or private sector entities involved in spatial data and land records modernization, project management in the preparation of the strategic planning documents related to spatial data and land records modernization, developing policy and procedures for land records modernization, and developing policy and procedures for the activities of the board.

(3) Additional requirements are the implementation of educational programs, coordinating vendor exhibits, and facilitating technical assistance and consulting.

(e) The board may conduct meetings at such places and such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes.

(f) Members of the board shall receive no compensation for their services.

(g) The board will be provided administrative support through the ~~Office of Information Technology~~ Arkansas Geographic Information Office.

(h) The funds necessary to carry out the provisions of this subchapter shall come from the Geographic Information Systems Fund.

(i) The board shall seek the review and advice of the Joint Committee on Advanced Communications and Information Technology prior to issuing guidelines, proposed legislation, and strategic plans.

SECTION 8. Arkansas Code 19-5-1112(b), concerning the Geographic Information Systems Fund, is amended to read as follows:

(b)(1)(A) The ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration shall manage the fund, and the Governor shall oversee the expenditures from the fund.

(B) The Arkansas State Land Information Board shall establish standards and methodologies for evaluating the funding of enterprise-level geographic information systems projects.

(2)(A) The ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration, with advice from the board, shall evaluate, prioritize, and approve proposals for geographic information systems projects.

(B) Such proposals and requests for funding shall demonstrate any or all of the following:

- (i) Improvement in the quality of life for Arkansans;
- (ii) Elimination of redundant systems;
- (iii) Improved service for Arkansas citizens;
- (iv) Enhanced economic development opportunities in Arkansas;
- (v) Implementation of electronic government twenty-four (24) hours a day, seven (7) days a week;
- (vi) Substantial benefit to more than one (1) agency through lower operating costs; and
- (vii) Continued development of the Arkansas Spatial Data Infrastructure.

SECTION 9. Arkansas Code 19-11-1101(c), concerning state agency contracts, is amended to read as follows:

(c)(1) All contracts authorized by this subchapter shall be entered into pursuant to the requirements of the Arkansas Procurement Law, § 19-11-201 et seq., and amendments thereto.

(2) Prior to execution of the contract, the following process shall be followed:

(A) The requesting agency shall request approval from the Chief Fiscal Officer of the State to prepare a request for proposal for a project authorized under this subchapter;

(B) The request shall include the general nature of the project, the anticipated revenues that will be enhanced, and the forecasted revenues for the current biennium;

(C) Upon approval of the Chief Fiscal Officer of the State, the requesting agency shall prepare a request to the Department of Finance and Administration for approval to prepare a request for proposal for a technology project authorized under this subchapter;

(D) The request must include the revenue source or sources that will be increased as a result of the project and the projected revenues for the anticipated life of the project;

(E) The requesting agency shall prepare a request for proposal,

with advice and consultation from ~~the office of the Executive Chief Information Officer~~ and the department, for the purchase of technology systems on the basis of a portion of the increase in the agency's revenues produced by the technology system; and

(F)(i) The request for proposal may provide that the agency and the vendor may negotiate an amount or baseline upon which the increase in taxes or fees is measured.

(ii) Any contract other than a fixed fee contract shall include a factor in the baseline calculation to account for an increase in taxes or fees due solely to economic factors and not to the use of the technology.

(3) The agency procurement official or procurement agent and the vendor shall negotiate the contract, with the oversight of ~~the office of the Executive Chief Information Officer~~ and the department to assist in negotiating an advantageous contract.

(4)(A) The agency director shall submit the proposed contract and a request for new appropriation to the Governor or his or her designee.

(B) The accompanying information will include the methodology used to calculate the baseline amount proposed by the agency and other justifications and information that detail the program and the expected benefits of the agreement.

(C) The Governor or his or her designee shall study the request and determine whether the appropriation requested and the terms of the proposed contract are in strict compliance with this subchapter.

(D)(i) The Governor may approve or modify the request for new appropriation and the proposed contract.

(ii) Any modification of the proposed contract shall be submitted to the vendor for approval.

(5)(A) Upon approval of the shared benefit agreement and new appropriation request, the Governor shall seek the advice and recommendation of the Legislative Council.

(B) Upon review of the Legislative Council, the Governor shall forward a copy of his or her approvals to the agency director and the Chief Fiscal Officer of the State.

SECTION 10. Arkansas Code § 25-4-102(b)(4), concerning information resources, is amended to read as follows:

(4) Develop technical standards and provide technical leadership and guidance to support the state's shared technical architecture ~~as promulgated by the Executive Chief Information Officer~~.

SECTION 11. Arkansas Code § 25-4-103 is amended to read as follows:

25-4-103. Definitions.

As used in this chapter:

~~(1)~~ "Administrator" means the Administrator of the Office of Information Technology;

~~(2)~~(1) "Application" means a separately identifiable and interrelated set of information technology resources that allows information processing to support specifically defined objectives;

~~(3)~~(2) "Core information technology infrastructure" means the state data, state network and application interfaces, state security, and disaster recovery;

~~(4)~~(3) "Customer" means a state agency, other governmental entity, or nongovernmental first responder entity that purchases or uses services under this chapter;

~~(5)~~(4) "Department" means the Department of Information Systems;

~~(6)~~(5) "Director" means the Director of the Department of Information Systems;

~~(7)~~(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including computers, word processors, terminals, telephones, cables, software, and related services;

~~(8)~~(7) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

~~(9)~~(8) "Information technology" means any component related to information processing and wired and wireless telecommunications, including data processing and telecommunications hardware, software, services, planning, personnel, facilities, and training;

~~(10)~~(9) "Information technology resources" means the procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and the associated personnel, including consultants and contractors;

~~(11)~~(10) "Network infrastructure" means the shared portions of the state's telecommunications transmission facilities, including all transmission lines and all associated equipment and software components necessary for the management and control of the state network;

~~(12)~~(11) "Nongovernmental first responder entity" means state and law enforcement personnel, fire department personnel, and emergency medical

personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and other emergencies;

~~(13)~~(12) "Other governmental entities" means state-elected constitutional officers and their staffs, the Supreme Court and the Administrative Office of the Courts, the General Assembly or its committees or staffs, the Arkansas State Highway and Transportation Department, the Arkansas State Game and Fish Commission, the federal government, cities, counties, municipalities, and public school districts;

~~(14)~~(13) "Project" means a program to apply information technology resources to functions within or among elements of a state agency that ideally is characterized by well-defined parameters, specific objectives, common benefits, planned activities, a scheduled completion date, and an established budget with a specified source of funding;

~~(15)~~(14) "Project management" means principles, practices, and techniques applied to lead projects and teams and the control of project schedules, costs, and performance risks with the goal of satisfying customers' requirements;

~~(16)~~(15) "Public instrumentality" means any statutorily created entity charged with the responsibility of providing information or services through the use of information technology;

~~(17)~~(16) "State agencies" means all state departments, boards, and commissions but shall not include the elected constitutional officers and their staffs, the General Assembly and its committees and staffs, or the Supreme Court and the Administrative Office of the Courts, and public institutions of higher education with respect to academic, research, healthcare, and existing information technology applications and underlying support therefor;

~~(18)~~(17) "State of Arkansas shared technical architecture" means the structure of program or system components, how these components relate to one another, and the principles that govern their design and evolution over time; and

~~(19)~~(18) "Telecommunications" means all forms of communications devices and transport media for the conveyance by electronic or electrical means of voice, words, data, signals, or images.

SECTION 12. Arkansas Code § 25-4-104 is amended to read as follows:

25-4-104. Department of Information Systems.

(a) There is established within the executive department of government a Department of Information Systems.

(b)(1) The department shall be headed by a director to be appointed by the Governor, subject to confirmation by the Senate in the manner provided by law, and shall serve at the pleasure of the Governor.

(2) The director shall be a person who, by education and training, has technical knowledge and management experience in information technology-related equipment, systems, and services.

(3) The director shall qualify by filing the oath of office required in the Constitution of this state with the Secretary of State.

~~(e) There is established an Office of Information Technology. The Administrator of the Office of Information Technology shall be appointed by the the Executive Chief Information Officer.~~

~~(d)~~(c) The director may establish divisions and the organizational structure deemed necessary and appropriate for the efficient performance of the duties imposed under the provisions of this chapter, provided the organizational structure of the department shall conform to the positions authorized and limitations provided therefor in the biennial appropriation of the department.

~~(e)~~(d) The director shall appoint the deputy and division directors and the professional, technical, and clerical assistants and employees as necessary to perform the duties imposed by this chapter. All employees of the department shall be employed by and serve at the pleasure of the director.

~~(f)~~(e) The director shall report to the Governor any matters relating to abuses of this chapter.

~~(g)~~(f) The director shall recommend statutory changes to the Governor.

SECTION 13. Arkansas Code § 25-4-105 is amended to read as follows:

25-4-105. Department of Information Systems - General powers and duties.

The Department of Information Systems shall be vested with all the powers and duties necessary to administer the department and to enable it to carry out fully and effectively the regulations and laws relating to the department. These powers and duties relate to information technology and include, but are not limited to:

(1) Conceptualizing, designing, developing, building, and maintaining common information technology infrastructure elements used by state agencies and governmental entities;

(2) Providing information technology services to state agencies, other governmental entities, and nongovernmental first responder entities;

(3) Entering into contracts with state agencies, other governmental entities, and nongovernmental first responder entities for the purpose of providing information technology services;

(4)(A) Establishing fair and reasonable schedules of rates or fees to be paid by customers that are provided service to enable the department to recover all allowable costs of providing the services as provided in this chapter.

(B) The same rate or fee structure will apply to all customers receiving services;

(5)(A) Establishing estimated billing rates to be developed for a two-year period to coincide with the budgeting process.

(B) The department shall have the authority to adjust billing as necessary to effect compliance with applicable state and federal statutory and regulatory provisions.

(C) Billing adjustments shall be subject to the approval of the Chief Fiscal Officer of the State and review by the Legislative Council;

(6) Acquiring information technology on behalf of state agencies, the cost of which shall be recovered through customer billings or through direct funding;

(7) Promulgating rules and regulations that are necessary for efficient administration and enforcement of the powers, functions, and duties of the department as provided in this chapter;

(8) Developing a departmental plan to support the goals and objectives set forth for it in the state information technology plans and strategies. ~~The department shall seek the advice of the Executive Chief Information Officer in the development of its plan;~~

(9) Implementing systems to ensure the security of state data and state data processing assets, to provide for disaster recovery and continuity of operations to the state agencies served, and to recover its costs from the customers benefited; ~~and~~

(10) Performing any additional powers, functions, and duties which are necessary and appropriate for the proper administration of the provisions of this chapter;

(11) Monitor information resource security issues, coordinate all security measures which could be used to protect resources by more than one (1) governmental entity, and act as an information technology resource to other state agencies; and

(12) Assist in the development of an information technology security policy for state agencies.

SECTION 14. Arkansas Code 25-4-106(a), concerning reporting requirements, is amended to read as follows:

(a)(1) The Director of the Department of Information Systems will report periodically to the Joint Committee on Advanced Communications and Information Technology ~~and the Executive Chief Information Officer~~ regarding the status of the Department of Information Systems' information technology responsibilities in state government.

SECTION 15. Arkansas Code § 25-4-107 is amended to read as follows:

~~25-4-107. Office of Information Technology~~ Department of Finance and Administration - General powers and duties.

The ~~Office of Information Technology~~ Department of Finance and Administration shall be vested with all the powers and duties necessary to carry out regulations and laws relating to the ~~Executive Chief Information Officer~~ and to oversee and administer information technology and shall:

- (1) Assist the Department of Information Systems in performing its duties;
- (2) Review agencies' information technology plans and requests;
- ~~(3) Provide leadership in coordinating information technology;~~
- ~~(4)~~(3) Advise agencies in acquiring information technology service;
- ~~(5)~~(4) Advise agencies regarding information technology contracts and agreements;
- ~~(6) Monitor national and international standards relating to information technology;~~
- ~~(7)~~(5) Develop and publish policies, procedures, and standards relating to information technology and ensure agencies' compliance with those policies, procedures, and standards;
- ~~(8)~~(6) Develop standards to promote and facilitate electronic access to government information and interoperability of information systems;
- ~~(9)~~(7) Develop a state information technology plan that shall establish a state-level mission, goals, and objectives for the use of information technology; and
- ~~(10)~~(8) Foster interagency use of information technologies that is consistent with the established strategic direction of information technology and avoids unnecessary duplication.

SECTION 16. Arkansas Code § 25-4-108 is repealed.

~~25-4-108. Office of Information Technology - Working groups.~~

~~(a) The Executive Chief Information Officer shall appoint working groups as necessary to provide the Office of Information Technology with expertise and advice on information technology.~~

~~(b) Working group members shall:~~

- ~~(1) Have knowledge and experience in information technology; and~~
- ~~(2) Annually elect a chair.~~

~~(c)(1) Working group members shall not receive compensation for service to the working groups.~~

~~(2) However, working group members may receive reimbursement for~~

~~actual and necessary expenses reasonably incurred in performing board service, subject to applicable limitations on reimbursement as provided by law.~~

~~(d) A working group may be convened by:~~

~~(1) A majority of the working group's members;~~

~~(2) The working group's chair; or~~

~~(3) The Administrator of the Office of Information Technology.~~

SECTION 17. Arkansas Code § 25-4-110 is amended to read as follows:

25-4-110. Information technology - Planning.

(a)(1) ~~The Office of Information Technology~~ Department of Finance and Administration shall develop the state information technology plan.

~~(2) The administrator under the direction of the Executive Chief Information Officer shall prepare the draft state information technology plan and periodic updates for the Governor and shall seek the advice of the working groups.~~

~~(3)~~(2) ~~Before the administrator submits the plan to the Governor, he or she shall seek the advice of~~ The Department of Finance and Administration shall submit monthly status reports to the Joint Committee on Advanced Communications and Information Technology.

(b)~~(1)~~ ~~The Office of Information Technology~~ Department of Finance and Administration shall develop and maintain information technology standards.

~~(2) The administrator shall prepare the draft standards and periodic updates for the Governor and shall seek the advice of the working groups.~~

~~(3) Before the administrator submits the state standards to the Governor, he or she shall seek the advice of the steering committee and the advisory board.~~

(c)(1) Each state agency shall develop a biennial information technology plan that establishes state agency goals, objectives, and policies regarding the development and use of information technology.

(2)(A) Each state agency shall specifically include a policy regarding the use of the Internet.

(B) A statement of the agency's policy regarding the use of the Internet shall include:

(i) The penalties for violations of the agency's Internet policy;

(ii) The number of employees and computers which have access to the Internet and the percentage of those employees and computers to the total number of employees and computers;

(iii) The needs of the agency and how those needs relate to the use of the Internet; and

(iv) The responsibilities of the agency's employees as those responsibilities relate to the efficient and responsible use of the Internet.

(3) Plans may be updated by agencies in a timely manner to remain current and must accommodate changes in the evolving state information technology plan and standards.

(d) The ~~Office of Information Technology~~ Department of Finance and Administration shall distribute criteria, elements, form, and format for agency plans. Plans may include, but not be limited to, the following:

(1) A statement of the agency's mission, goals, and objectives for information technology;

(2) Goals and objectives for achieving electronic access to agency records, information, and services;

(3) Consideration of a variety of information technologies, including those that help transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(4) Compliance with the Freedom of Information Act of 1967, § 25-19-101 et seq.;

(5) An explanation of how the state agency's mission, goals, and objectives for information technology support and conform to the state information technology plan developed by the office;

(6) An implementation strategy to include:

(A) Annual implementation objectives of the plan;

(B) Methods to educate both state employees and the public in the effective use of access technologies; and

(C) Agency activities to increase electronic access to public records and information to be implemented within available resources and existing state agency planning processes;

(7) Projects and resources required to meet the objectives of the plan;

(8) Estimated schedules and funding required to implement identified projects;

(9) An evaluation of the agency's performance relating to information technology;

(10) An assessment of progress made toward implementing the agency information technology plan;

(11) A discussion of progress toward electronic access to public information and enabling citizens to have two-way interaction for obtaining information and services from state agencies; and

(12) An inventory of state agency information technology.

(e) Plans developed or updated shall be submitted to the ~~office~~ department. The ~~office~~ department may reject, require modification to, or approve plans as deemed appropriate. Plans shall be modified by the state agency as necessary.

(f) Plans developed or updated by public instrumentalities shall be submitted for review to the Joint Committee on Advanced Communications and Information Technology. The committee may seek the assistance of the ~~office~~ department in conducting this review. Plans shall be modified by the public instrumentality as necessary.

SECTION 18. Arkansas Code § 25-4-111 is amended to read as follows:

25-4-111. Information technology - Prerequisites.

(a) Unless the agency first receives approval for a plan or an updated plan as provided for under § 25-4-110, no state agency shall:

(1) Acquire by purchase or lease any new or additional information technology; or

(2) Enter into any contract for information technology.

(b) If an agency desires to acquire information technology not part of an information technology plan approved under § 25-4-110, the requesting agency shall submit a waiver request to the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration that includes:

(1) Identification of necessary additional services or improvements in information technology;

(2) Relationship of the information technology improvements or additions to the overall goals of the agency;

(3) Resources needed to provide the additional services or improvements; and

(4) Measurement and evaluation criteria.

(c)(1) Upon evaluation of the waiver request, the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration shall notify the agency in writing of his or her approval or rejection of the request and his or her reasons therefor.

(2) The ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration shall make his or her evaluation in a timely manner. If the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration requires more than thirty (30) days to complete the evaluation, he or she shall report in writing to the Governor his or her reasons for the delay in completion.

(3) If the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration rejects a request for a waiver, no state

agency shall make any expenditure of public funds for the acquisition or expansion of information technology equipment or services.

(4) If the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration determines that the agency needs additional information technology resources, he or she may:

(A) Authorize the agency to acquire the requested information technology;

(B) Authorize acquisition of a modified information technology configuration;

(C) Notify the agency of the availability of department facilities to provide the requested information technology; or

(D) Recommend that the information technology be provided through the facilities of some other designated state agency.

(d) All state agencies shall comply with the provisions of the Arkansas Procurement Law, § 19-11-201 et seq., and applicable provisions of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., in the acquisition, purchase, contracting for the purchase of, and leasing of information technology.

SECTION 19. Arkansas Code § 25-4-114(a), concerning contracts and agreements for information technology, is amended to read as follows:

(a) In the event a state agency and the Department of Information Systems are unable to resolve a dispute, the matter shall jointly be referred to the ~~Executive Chief Information Officer~~ Director of the Department of Finance and Administration for resolution.

SECTION 20. Arkansas Code § 25-18-603 is amended to read as follows:

25-18-603. Definitions.

As used in this subchapter:

~~(1) "CIO Council" means the same as defined in § 25-33-102;~~

~~(2) "Executive Chief Information Officer" means the Executive Chief Information Officer of the state appointed under § 25-33-103;~~

~~(3)~~(1) "Public records" means the same as defined in § 25-19-103(5)(A); and

~~(4)~~(2)(A) "State agencies" means all state departments, boards, and commissions.

(B) "State agencies" does not include:

(i) The elected constitutional officers and their staffs;

(ii) The General Assembly and its committees and staffs;

(iii) The Supreme Court;

(iv) The Court of Appeals;

(v) The Administrative Office of the Courts; and

(vi) Public institutions of higher education with respect to academic, research, health care, and existing information and technology applications and underlying support.

SECTION 21. Arkansas Code 25-18-604 is amended to read as follows:

25-18-604. Retention requirement.

(a)(1) ~~The Executive Chief Information Officer~~ Department of Finance and Administration shall direct the development of rules and guidelines for the retention of public records commonly found in most state agencies.

~~(2) The CIO Council shall provide review and advice on the rules and guidelines developed pursuant to subdivision (a)(1) of this section.~~

(b)(1) ~~Before January 1, 2006, the Executive Chief Information Officer~~ The Department of Finance and Administration shall promulgate pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., rules and guidelines governing the retention and management of public records commonly found in most state agencies, including, but not limited to, electronic records.

(2) The Arkansas General Records Retention Schedule, previously promulgated and adopted as Agency Policy 200.000 of the Office of Information Technology, shall be an official regulation of the Department of Finance and Administration subject to revision under subsection (d) of this section.

(c) Each state agency shall comply with the rules and guidelines promulgated under this subchapter upon ~~the earlier of~~ the effective date of subsection (b)(2) of this section.

~~(1) July 1, 2007; or~~

~~(2) The line-item appropriation to the agency in question of funds to comply with this subchapter.~~

(d) ~~The Executive Chief Information Officer~~ Department of Finance and Administration shall make periodic updates to the rules governing the retention and management of public records commonly found in most state agencies pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 22. Arkansas Code Title 25, Chapter 8, Subchapter 1 is amended to add an additional section to read as follows:

25-8-110. Additional duties.

The Department of Finance and Administration shall:

(1) Develop retention schedules for control, preservation, protection, and disposition of the electronic records of state agencies;

(2) Direct the development of policies and procedures which state agencies shall follow in developing information technology plans and technology-

related budgets and technology project justification:

(3) Review procurements to ensure conformity with information policies and standards and state-level plans and implementation strategies;

(4) Advise state agencies in acquiring information technology service, as well as advise state agencies on information technology contracts and agreements;

(5) Report to the Joint Committee on Advanced Communications and Technology as requested regarding the status of information technology deployment; and

(6) Develop and promulgate rules and guidelines governing the retention and management of public records commonly found in most state agencies.

SECTION 23, Arkansas Code 25-32-117 is amended to read as follows:

25-32-117. Creation and retention of electronic records and conversion of written records by governmental agencies.

(a) Each governmental agency of this State shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records.

(b) Each state agency shall comply with applicable standards and policies adopted or established by the ~~Executive Chief Information Officer, in collaboration with the CIO Council~~ Department of Finance and Administration to determine whether and the extent to which it will retain and convert written records to electronic records.

SECTION 24. Arkansas Code 25-32-118(a), concerning acceptance and distribution of agency records by governmental agencies, is amended to read as follows:

(a)(1) Except as otherwise provided in § 25-32-112(f), each governmental agency of this State shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(2) For state agencies, the determinations shall be consistent with applicable standards and policies adopted or established by the ~~Executive Chief Information Officer, in collaboration with the CIO Council~~ Department of Finance and Administration.

SECTION 25. Arkansas Code 25-32-119 is amended to read as follows:

25-32-119. Interoperability.

With respect to standards adopted pursuant to § 25-32-118, the ~~Executive~~

Chief Information Officer Department of Finance and Administration may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other States and the federal government and nongovernmental persons interacting with governmental agencies of this State. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this State may choose in implementing the most appropriate standard for a particular application.

SECTION 26. Arkansas Code § 25-33-101 is repealed.

~~25-33-101. Finding.~~

~~The General Assembly finds and declares information and information resources to be strategic assets of the State of Arkansas and that procedures must be established to ensure that:~~

~~(1) Information technology resources are developed and implemented to provide electronic government services to the citizens of Arkansas twenty-four (24) hours a day, seven (7) days a week;~~

~~(2) Information resources are used in an efficient manner;~~

~~(3) Information is administered and shared consistent with requirements for security, privacy, and confidentiality;~~

~~(4) Information technology acquisitions meet state needs and are consistent with coordinated efforts to maximize standardization and cost effectiveness; and~~

~~(5) State officials have timely access to information in useful forms.~~

SECTION 27. Arkansas Code § 25-33-102 is repealed

~~25-33-102. Definitions.~~

~~For purposes of this chapter:~~

~~(1) "Agency CIO" means the chief information officer of a state agency whose charge is to apply technology to meet the agency's core business processes;~~

~~(2) "Executive CIO" means the Executive Chief Information Officer of the state appointed under this chapter;~~

~~(3) "CIO Council" means the CIO Council created by this chapter;~~

~~(4) "Core information technology infrastructure" means the state data, state network and application interfaces, and state security;~~

~~(5) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means;~~

~~(6) "Enterprise project" refers to an information technology project that:~~

~~(A) Applies to more than one (1) government entity; and~~

~~(B) Has implications for the development of the core~~

infrastructure in compliance with the state's shared technical architecture;

~~(7) "Information technology" means any component related to information processing and telecommunications, including data processing and telecommunications hardware, software, services, planning, personnel, facilities, and training;~~

~~(8) "Information technology resources" means:~~

~~(A) The procedures, equipment, and software that are designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information; and~~

~~(B) Associated personnel, including consultants and contractors;~~

~~(9) "Project" means a program to apply information technology resources to functions within or among elements of a state agency, that ideally is characterized by:~~

~~(A) Well-defined parameters;~~

~~(B) Specific objectives;~~

~~(C) Common benefits;~~

~~(D) Planned activities;~~

~~(E) A scheduled completion date; and~~

~~(F) An established budget with a specified source of funding;~~

~~(10) "State agencies" means all state departments, boards, and commissions, but shall not include the elected constitutional officers and their staffs, the General Assembly and its committees and staffs, the Supreme Court and the Administrative Office of the Courts, and public institutions of higher education with respect to academic, research, healthcare, and existing information technology applications and underlying support therefor; and~~

~~(11) "State of Arkansas shared technical architecture" means:~~

~~(A) The structure of program or system components of state government;~~

~~(B) How these components relate to one another;~~

~~(C) The means of communication among them; and~~

~~(D) The principles that govern their design and evolution over time.~~

SECTION 28. Arkansas Code § 25-33-103 is amended to read as follows:

~~25-33-103. Executive Chief Information Officer.~~

~~(a) There is hereby created the position of Executive Chief Information Officer, which shall be appointed by and serve at the will of the Governor.~~

~~(b) Minimum qualifications for the Executive Chief Information Officer,~~

~~including, but not limited to, education, background, and experience shall be promulgated by the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration to be reviewed by the Legislative Council and approved by the Governor.~~

~~(c)(1) The Office of Information Technology shall be under the direction of the Executive Chief Information Officer as soon as the Executive Chief Information Officer is appointed. Until that appointment, the office shall remain under the Department of Information Systems.~~

~~(2) The powers and duties of the Executive Chief Information Officer shall not become effective until the appointment of the Executive Chief Information Officer.~~

SECTION 29. Arkansas Code § 25-33-104 is repealed.

~~25-33-104. Executive Chief Information Officer - Duties.~~

~~(a) The Executive Chief Information Officer shall:~~

~~(1) Utilize any personnel and resources of the Department of Information Systems as deemed necessary with the consent of the Governor, including, but not limited to, the functions currently performed by the Office of Information Technology;~~

~~(2)(A) Direct the formulation of promulgation of policies, standards, specifications, and guidelines for information technology in the state, including, but not limited to, those required to support state and local government exchange in a secure environment for the acquisition, storage, use, sharing, and distribution of core infrastructure components as defined by the State of Arkansas shared technical architecture.~~

~~(B) The areas in which standards, policies, and guidelines shall be developed shall include, but are not limited to, retention schedules for control, preservation, protection, and disposition of the electronic records of agencies;~~

~~(3) Develop a process for how all state agencies shall have input into the formation of these policies, standards, specifications, and guidelines and present the plan to the Governor and the General Assembly;~~

~~(4) If deemed necessary and appropriate, establish working groups to assist in the formulation of policies, standards, specifications, and guidelines and assure that all agencies have the opportunity to review and comment;~~

~~(5) Oversee the development of legislation and rules and regulations affecting electronic records management and retention, privacy, security, and related issues;~~

~~(6) Create a state security office to monitor information resource security issues, coordinate all security measures which could be used to protect~~

~~resources by more than one (1) governmental entity, and act as an information technology resource to other state agencies;~~

~~(7) Oversee the development of information technology security policy for state agencies;~~

~~(8) In consultation with the CIO Council, direct the development of policies and procedures which state agencies shall follow in developing information technology plans and technology-related budgets and technology project justification;~~

~~(9) Establish criteria for enterprise projects and review enterprise project plans and budget requests and recommend priorities to the council;~~

~~(10)(A) Develop plans and implementation strategies to promulgate state-level missions, goals, and objectives for the use of information technology, with the review and advice of the council.~~

~~(B) These plans and strategies shall include, but not be limited to:~~

~~(i) Business case development for information technology applications;~~

~~(ii) Maximizing state purchasing power;~~

~~(iii) Increasing collaborative efforts for projects of mutual interest; and~~

~~(iv) Creating opportunities to develop public and private partnerships;~~

~~(11) Review procurements to ensure conformity with information policies and standards and state-level plans and implementation strategies;~~

~~(12) Advise state agencies in acquiring information technology service, as well as advise state agencies on information technology contracts and agreements;~~

~~(13) Make a quarterly report to the Joint Committee on Advanced Communications and Information Technology regarding the status of information technology deployment to meet the goals set forth in this enabling legislation;~~

~~(14) Solicit, receive, and administer funds from public and private entities to be used for the purchase of information technology resources;~~

~~(15) Report to the committee and the Governor the total business analysis prepared for information technology projects; and~~

~~(16) Develop and promulgate rules and guidelines governing the retention and management of public records commonly found in most state agencies.~~

~~(b) With respect to their technology functions and applications, all state~~

departments, boards, commissions, and public institutions of higher education shall:

~~(1) Advise the Executive Chief Information Officer in advance of their anticipated usage needs for the state core information technology infrastructure to facilitate network capacity planning; and~~

~~(2) Consult and cooperate with the Executive Chief Information Officer in the formation and implementation of security policies for the state core information technology infrastructure.~~

~~(c) Nothing in this chapter shall be construed to deprive, transfer, limit, or in any way alter or change any of the powers vested in the board of trustees of any institution of higher education under existing constitutional and statutory provisions.~~

~~(d) All state agencies shall adopt the policies, standards, specifications, and guidelines, if applicable, to implement subdivision (a)(4) of this section.~~

~~(e) As to electronic records, the authority and responsibility of the State Records Commission [repealed] under § 13-4-105 [repealed] are transferred to the Executive Chief Information Officer.~~

~~(f)(1) In the event a state agency proposes an information technology project which does not comply with the state information shared architecture or state information technology plan, the agency shall submit documentation to the Administrator of the Office of Information Technology explaining the reason for noncompliance.~~

~~(2) The administrator shall advance the agency's concerns to the Executive Chief Information Officer, who shall seek review and advice of the council.~~

~~(3) The Executive Chief Information Officer shall then approve or disapprove the proposed project plan.~~

~~(g) The information technology project justification process developed by the Executive Chief Information Officer in connection with the council shall be followed by all state agencies.~~

SECTION 30. Arkansas Code § 25-33-105 is repealed.

~~25-33-105. CIO Council.~~

~~(a)(1) There is hereby created the CIO Council to be appointed by the Governor with the advice of the Information Technology Oversight Committee.~~

~~(2) The council shall advise the Executive Chief Information Officer on information technology resource usage and prioritization.~~

~~(b)(1) The Executive Chief Information Officer shall present a recommendation of the membership of the council to the Governor within sixty (60) days after his or her appointment.~~

~~(2) The council shall have representatives from state government, public education, cities, and counties.~~

~~(3) The Executive Chief Information Officer shall implement a policy to ensure representation for every state agency on the council, although every state agency shall not have an individual representative on the council.~~

~~(c)(1) Specific state agency participation on the council shall be through the position of agency chief information officer.~~

~~(2) Minimum qualifications for the agency chief information officer, including, but not limited to, education, background, and experience shall be promulgated by the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration to be reviewed by the Legislative Council and approved by the Governor.~~

~~(3) The Executive Chief Information Officer shall have the authority to appoint representatives of other agencies to subcommittees.~~

~~(4) In addition, the chief executive employee of the network manager contracted pursuant to the Information Network of Arkansas Act, § 25-27-101 et seq., shall serve as an ex officio member of the council.~~

~~(d) The council shall:~~

~~(1) Provide leadership in coordinating information technology in the state;~~

~~(2) Assist in establishing a prioritization system for state investment in enterprise projects;~~

~~(3) Assist in the development of policies and procedures, in consultation with the Executive Chief Information Officer, which state agencies and institutions of higher learning shall follow in developing information technology plans and technology-related budget requests;~~

~~(4) Advise on the modification of the state information technology plan;~~

~~(5) Create the methodology to evaluate the applications for funding of information technology projects based on the return on investment of the project and the linkage of the project to the agency's business objectives; and~~

~~(6) Establish standards and methodologies to ensure that good business case analysis is required from state agencies prior to allocation of funds.~~

~~(e)(1) The business case analysis shall identify total costs from beginning to end of the project to include, but not be limited to, consultant needs, required hardware or software support, ongoing support and maintenance, education and training, network bandwidth capacity, etc.~~

~~(2) All information technology projects shall be evaluated on the basis of the return on investment of the project, the value-added services, and the compatibility with the state-shared architecture.~~

~~(3) The evaluation method shall verify the link between the agency's~~

business objectives and the agency's information technology strategy.

~~(4) The Executive Chief Information Officer shall report to the appropriate legislative committees and the Governor the total business analysis prepared for information technology projects.~~

~~(f)(1) To achieve the best return on investment for the citizens of Arkansas, a state agency shall seek an existing application or technology for its information technology projects before proposing the development of a new application to be created by either a private company or the Department of Information Systems.~~

~~(2) The business case analysis necessary to make the appropriate determination shall include line items to identify staff resources required for creating the interfaces to the state's core infrastructure so that interoperability of all newly acquired technologies can be accomplished within the life cycle of the project.~~

SECTION 31. Arkansas Code § 25-33-106 is repealed.

~~25-33-106. Information Technology Oversight Committee.~~

~~(a) There is created the Information Technology Oversight Committee, to be appointed by the Governor as follows:~~

~~(1) Three (3) members nominated by the Joint Committee on Advanced Communications and Information Technology;~~

~~(2) Four (4) members from the Arkansas private sector;~~

~~(3) Two (2) members who shall be elected officials from Arkansas local government;~~

~~(4) Two (2) members nominated by the Arkansas Higher Education Coordinating Board in consultation with the Executive Council; and~~

~~(5) One (1) member nominated by the State Board of Workforce Education and Career Opportunities.~~

~~(b) Members of the Information Technology Oversight Committee must have knowledge and experience in the management and implementation of information technology.~~

~~(c) The Information Technology Oversight Committee shall advise the Executive Chief Information Officer on the allocation of information technology resources in the state.~~

SECTION 32. Arkansas Code § 25-33-107 is repealed.

~~25-33-107. Appeal.~~

~~(a) With respect to any finding, ruling, or determination that the Administrator of the Office of Information Technology is authorized to make under the provisions of this chapter, any state agency aggrieved by any decision of the administrator, or undue delay by the administrator in reviewing agency requests or plans under the provisions of this chapter, may appeal therefrom in writing to the Executive Chief~~

Information Officer.

~~(b) The Executive Chief Information Officer shall secure review and advice of the CIO Council within thirty (30) days and immediately furnish a copy of the appeal, including a statement of the reasons for the appeal, and the Executive Chief Information Officer's recommendation to:~~

~~(1) The Governor;~~

~~(2) During the interim between sessions, the Joint Committee on Advanced Communications and Information Technology; and~~

~~(3) During a legislative session, the House Committee on Advanced Communications and Information Technology and the Senate Committee on Technology and Legislative Affairs.~~

~~(c) The Governor shall make any individual evaluation and study with respect to an appeal which he or she deems appropriate and, in connection with the evaluation and study, may enlist the cooperation or technical assistance of other state agencies.~~

~~(d) The Governor shall issue his or her ruling within thirty (30) days, which may be:~~

~~(1) To uphold the decision of the Executive Chief Information Officer;~~

~~(2) To reject the decision of the Executive Chief Information Officer and approve the action sought by the state agency; or~~

~~(3) To modify the decision of the Executive Chief Information Officer in any manner which the Governor deems appropriate.~~

~~(e) The Governor shall notify the following in writing of his or her decision:~~

~~(1) During the interim between sessions, the Joint Committee on Advanced Communications and Information Technology; and~~

~~(2) During a legislative session, the House Committee on Advanced Communications and Information Technology and the Senate Committee on Technology and Legislative Affairs.~~

~~(f) The review by the Executive Chief Information Officer, the council, and the committees identified in subsection (b) of this section is intended to be advisory to the Governor, with ultimate responsibility for the decision to rest with the Governor.~~

SECTION 33. Arkansas Code § 25-33-201 is repealed.

25-33-201. Findings and purpose.

(a) It is found and determined by the General Assembly that:

~~(1) There is a need to invest in technologies that will provide for both greater efficiencies and better responsiveness in order for Arkansas to take full advantage of technological applications in providing services and solving problems of its citizens;~~

~~(2) State government can save money by creating information technology solutions that can be used by more than one (1) state agency or institution of higher learning;~~

~~(3) Arkansas citizens desire state government services to be more accessible and less expensive; and~~

~~(4) These goals can be achieved through the careful selection of appropriate applications of technology, identified through a collaborative process and justified by using strong business case analysis to include performance outcomes.~~

~~(b) It is further found and determined by the General Assembly that:~~

~~(1) The creation of an Arkansas Technology Infrastructure Fund will make moneys available to state agencies and institutions of higher education for enterprise-level information technology projects;~~

~~(2) The fund is created to be an incentive to accelerate the implementation of electronic government and to encourage state agencies to pursue innovative and creative approaches using technology to provide needed citizens' services in a more cost-effective and efficient manner; and~~

~~(3) The fund allows agency technology innovators to compete for dollars on a year-round, ongoing basis.~~

SECTION 34. Arkansas Code § 25-33-202 is repealed.

25-33-202. Arkansas Technology Infrastructure Fund - Creation.

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Technology Infrastructure Fund".~~

~~(b) The following moneys shall be deposited or transferred into the State Treasury to the credit of the Arkansas Technology Infrastructure Fund:~~

~~(1)(A) Savings that accrue to state agencies from reductions in the cost of providing services to citizens as a result of employing technology.~~

~~(B)(i) If a state agency determines that there are reductions in the cost of providing services to citizens as a result of employing technology, then the savings which result may be transferred, upon written approval of the amount by the Chief Fiscal Officer of the State, from any appropriation and funds of the agency to the Arkansas Technology Infrastructure Fund.~~

~~(ii) Before approving any transfers to the Arkansas Technology Infrastructure Fund of moneys appropriated for a state agency, the Chief Fiscal Officer of the State shall obtain the review of the Legislative Council with respect to the transfer.~~

~~(iii) If approved by the Chief Fiscal Officer of the State~~

and reviewed by the Legislative Council, then the Chief Fiscal Officer of the State shall cause transfers to be made upon his or her books and those of the Treasurer of State and the Auditor of State;

~~(2) Any funds approved by the General Assembly by law;~~

~~(3) Grants, gifts, and donations received by this state for the purposes of this subchapter; and~~

~~(4) Agency investments toward enterprise projects.~~

~~(c) Any unused portion of the Arkansas Technology Infrastructure Fund shall remain in the Arkansas Technology Infrastructure Fund and will not revert to the General Revenue Fund Account of the State Apportionment Fund.~~

~~(d)(1) The Arkansas Technology Infrastructure Fund shall be managed by the Executive Chief Information Officer.~~

~~(2) The Governor shall oversee the expenditures from the Arkansas Technology Infrastructure Fund.~~

SECTION 35. Arkansas Code § 25-33-203 is repealed.

~~25-33-203. Project standards and methodologies.~~

~~Upon review by the CIO Council, the Executive Chief Information Officer shall establish standards and methodologies to:~~

~~(1)(A) Evaluate the funding of enterprise-level projects.~~

~~(B) The evaluation method shall:~~

~~(i) Verify the link between the agency's business objectives and the agency's information technology strategy; and~~

~~(ii) Identify the plan for interfacing with the state's core systems; and~~

~~(2)(A) Ensure that good business case analysis is required from the agencies prior to the allocation of funds.~~

~~(B) The business case analysis shall identify total costs from beginning to end of the project, to include, but not be limited to:~~

~~(i) Consultant needs;~~

~~(ii) Required hardware or software support;~~

~~(iii) Ongoing support and maintenance;~~

~~(iv) Education and training; and~~

~~(v) Network bandwidth capacity.~~

SECTION 36. Arkansas Code § 25-33-204 is repealed.

~~25-33-204. Project funding.~~

~~(a) Upon review by the CIO Council, the Executive Chief Information Officer shall evaluate, prioritize, and approve proposals for enterprise projects.~~

~~(b) Before funds are approved from the Arkansas Technology Infrastructure~~

Fund, the Executive Chief Information Officer shall report to the Legislative Council and the Governor the total business analysis prepared for the project.

(c) ~~Requests for funding from the fund shall demonstrate any of the following:~~

~~(1) Improvement in the quality of life for Arkansans;~~

~~(2) Elimination of redundant systems;~~

~~(3) Improved service for Arkansas citizens;~~

~~(4) Enhanced economic development opportunities in Arkansas;~~

~~(5) Implementation of electronic government twenty-four (24) hours a day, seven (7) days a week; or~~

~~(6) Substantial benefit to more than one (1) agency through lower operating costs.~~

SECTION 37. Arkansas Code 25-33-205 is repealed.

~~25-33-205. Applicability.~~

~~This subchapter shall not apply to the State Bank Department, State Insurance Department, or State Securities Department.~~

SECTION 38. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act dissolves and transfers the duties of the Executive Chief Information Officer, Chief Information Officer, and Office of Information Technology; and that dissolving the offices at the beginning of the state's fiscal year will result in a more efficient transfer of responsibilities and funds. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007."

/s/ Daryl Pace

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Bond, **HOUSE BILL NO. 2487** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2487

Amend **HOUSE BILL NO. 2487** as originally introduced:

Page 2, delete lines 4 through 10 and substitute the following:

"(2) Any self-insurance fund, pooled liability fund, or similar fund maintained by a medical care provider for the payment or indemnification of the medical care provider's liabilities for medical injuries under § 16-114-201 et seq. shall be deemed to be liability insurance susceptible to direct action under this section."

/s/ Will Bond

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Garner, **HOUSE BILL NO. 2665** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2665

Amend **HOUSE BILL NO. 2665** as engrossed,

H3/14/07 (version: 03-14-2007 11:14):

Page 2, delete line 4, and substitute the following:

"(\$4,7000,000,000), the income tax rates levied in §§ 26-51-201 and 26-51-202 shall be reduced by one-quarter of one"

AND

Page 2, delete line 6, and substitute the following:

"January 1, 2009 for income taxes due for taxable year 2008."

AND

Page 2, delete line 15, and substitute the following:

"(e) For fiscal year 2009 and following, should the net"

AND

Page 2, delete line 18, and substitute the following:

"inflation-adjusted margin of growth, the income tax rates levied in §§ 26-51-201 and

26-51-202 shall be reduced by"

AND

Page 2, delete line 20, and substitute the following:

"calendar year for income taxes due for the previous calendar year, until the"

/s/ Ed Garner

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Rainey, **HOUSE BILL NO. 2775** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2775

Amend **HOUSE BILL NO. 2775** as originally introduced:

Page 1, delete lines 22 through 24 in their entirety and substitute the following:

"SECTION 1. Arkansas Code § 15-4-311 is amended to read as follows:
15-4-311. Title.

This section and ~~§§ 15-4-312 - 15-4-319~~ §§15-4-312 - 15-4-320 shall be known and may be cited as the "Minority Business Economic Development Act".

SECTION 2. Arkansas Code § 15-4-313 is amended to read as follows:
15-4-313. Definitions.

As used in this section and §§ 15-4-311, 15-4-312, and 15-4-314 - 15-4-319:

(1) "Advisory Council" or "council" means the Minority Business Advisory Council;

(2) "Director" means the Administrator of the Division of Minority Business Enterprise of the Department of Economic Development;

(3) "Division" means the Division of Minority Business Enterprise of the Department of Economic Development;

(4)(A) "Exempt" and "nonexempt" mean goods and services classified as either exempt or nonexempt for the purpose of administering this section and §§ 15-4-311, 15-4-312, and 15-4-314 - 15-4-319.

(B) The classification shall be determined by the Office of State Procurement and the division and submitted to the council for its review and

consideration for the purposes of this section and §§ 15-4-311, 15-4-312, and 15-4-314 - 15-4-319;

(5) "Minority" means a lawful permanent resident of this state who is:

(A) ~~A black citizen or black lawful permanent resident of the State of Arkansas;~~

~~(B)~~ An African American;

~~(C)~~(B) An Hispanic American;

~~(D)~~(C) An American Indian; or

~~(E)~~(D) An Asian ~~and~~ a Pacific Islander;

(6) "Minority business enterprise" means a business that is at least fifty-one percent (51%) owned by one (1) or more minority persons as defined in this section;

~~(6)~~(7) "Procurement" means buying, purchasing, renting, leasing, or otherwise acquiring any goods or services;

~~(7)~~(8) "State agency" means all departments, offices, boards, commissions, and institutions of the state, including the state-supported institutions of higher education; and

~~(8)~~(9) "State contract" means all types of state agreements, regardless of what they may be called, for the purchase of commodities and services and for the disposal of surplus commodities and services not otherwise exempt."

/s/ David Rainey

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. 2442** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2442

Amend **HOUSE BILL NO. 2442** as originally introduced:

Add Senators Malone, G. Jeffress, and J. Jeffress as cosponsors

AND

Add Representatives Reep and Lowery as cosponsors

/s/ Bruce Maloch

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. 2334** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2334

Amend **HOUSE BILL NO. 2334** as originally introduced:

Page 2, line 17, delete "one megawatt (1 MW)" and substitute "three hundred kilowatts (300 kW)"

AND

Page 2, line 36, delete "rates" and substitute "rates"

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Walters, **HOUSE BILL NO. 2632** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2632

Amend **HOUSE BILL NO. 2632** as originally introduced:

Page 2, delete lines 11 through 19 and substitute the following:

"(d)(1) Recovery of less than the amount demanded by the person entitled to recover under the policy shall not defeat the right to the twelve percent (12%) damages and attorney's fees provided for in this section if the amount recovered for the loss is within twenty percent (20%) of the amount demanded or which is sought in the suit.

(2) Notwithstanding the provisions of subdivision (d)(1) of this section, in all cases involving a homeowner's policy the right to reasonable attorney's fees provided for in this section shall arise if the amount recovered for the loss is within thirty percent (30%) of the amount demanded or which is sought in the suit."

/s/ Shirley Walters

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

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Patterson objected to the adoption of **Amendment #2** to **HOUSE BILL NO. 2620**. Objection sustained. In accordance with House Rule 45 (L), Mr. Clerk, move **HOUSE BILL NO. 2620** and **Amendment #2** to the Regular House Calendar at the bottom, under the heading "Motions to Amend."

Upon motion of Representative Sample, **HOUSE BILL NO. 2626** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2626

Amend **HOUSE BILL NO. 2626** as originally introduced:

Page 2, line 22, delete "eighteen"

AND

Page 2, line 23, delete "(18)" and substitute "twenty-four (24)"

AND

Page 3, delete line 15 and substitute the following:

"audit report to the plan sponsor after completion of any review process.

(e) This section does not apply to any investigative audit that involves fraud, willful misrepresentation, or abuse, including without limitation, Chapter 55 of Title 5 or any other statutory provision that authorizes investigations relating to Medicaid fraud or insurance fraud."

/s/ Bill Sample

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. 2 TO HOUSE BILL NO. 2658

Amend **HOUSE BILL NO. 2658** as engrossed,

H3/13/07 (version: 03-13-2007 10:09):

Add Representatives Allen, Chesterfield, Greenberg, Lewellen, Rosenbaum and Webb as cosponsors of the bill

AND

Page 1, delete lines 27 through 30, and substitute the following:

"(a)(1) Any municipality organized and operating under the city manager form of government may authorize the mayor of the municipality to have the following duties and powers if approved by the qualified electors of the municipality at an election called by the board of directors by referendum or by the qualified electors of the municipality by initiative:"

AND

Page 2, line 17, delete "approved" and substitute "authorized under subdivision (a)(1) of this section"

AND

Page 2, delete line 23, and substitute the following:

"courts shall be elected and appointed in the manner prescribed by law.

(4) A mayor who has the duties and powers authorized under subdivision (a)(1) of this section shall be compensated with salary and benefits comparable to the salary and benefits of an official or employee of the municipality with similar executive duties and powers."

AND

Page 2, delete line 24, and substitute the following:

"(b) If called by initiative of the qualified electors of the municipality, the special election under this section shall comply with the"

AND

Page 2, line 31, delete "filed;" and substitute "filed; and"

AND

Page 3, line 4, delete "signatures on" and substitute "signatures and the authenticity of the signatures on"

AND

Page 3, line 7, delete "petition;" and substitute "petition; and"

AND

Page 3, line 10, delete "signatures," and substitute "signatures and the authenticity

of the signatures."

AND

Page 3, line 11, delete "and"

AND

Page 3, delete line 12, and substitute the following:

"(c) The proclamation submitting the question under subsection (a) of this section to the qualified electors of the municipality shall be issued within three"

AND

Page 3, line 14, delete "petition;" and "petition or within three (3) working days of the date a referendum ordinance is passed by the board of directors;"

AND

Page 3, delete lines 15 through 24, and substitute the following:

"(d) The special election shall be held not less than thirty (30) days nor more than one hundred twenty (120) days after the proclamation.

(e)(1) If both a petition is filed by the qualified electors of the municipality and the number of signatures and the authenticity of the signatures are verified under subdivision (b)(4) of this section and a referendum ordinance is passed by the board of directors referring the question under subsection (a) of this section to the qualified electors of the municipality, the event that occurs last in time is moot and void.

(2) If two (2) or more groups file petitions seeking a special election under subsection (a) of this section and the petition filed first is declared insufficient, then the city clerk shall determine the sufficiency of the petition that was filed next in time."

AND

Page 3, line 25, delete "(B)" and substitute "(3)"

AND

Page 3, line 28, delete "(7)" and substitute "(f)"

AND

Page 3, line 32, delete "(8)" and substitute "(g)"

AND

Page 3, delete line 36

AND

Page 4, delete lines 1 through 3

AND

Page 4, line 4, delete "(10)" and substitute "(h)"

AND

Page 4, delete lines 7 through 9

AND

Page 4, line 10, delete "(12)" and substitute "(j)"

AND

Page 4, line 14, delete "(13)" and substitute "(j)"

AND

Page 4, line 16, delete "twenty (20)" and substitute "thirty (30)"

AND

Page 4, line 18, delete "(14)" and substitute "(k)"

AND

Page 4, line 21, delete "(15)" and substitute "(l)"

AND

Page 4, line 23, delete "(16)" and substitute "(m)"

/s/ David Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Berry, **HOUSE BILL NO. 2456** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2456

Amend **HOUSE BILL NO. 2456** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 4, Chapter 107, Subchapter 3 is amended to add an additional section to read as follows:

4-107-304. Photographic identification required for credit card transactions.

(a) A person, a firm, a partnership, an association, or a corporation shall require as a condition to accepting a credit card as payment in full or in part for goods or services positive identification by a photograph of the credit cardholder, including without limitation, a driver's license, a photograph on the credit card, or another form of photo identification.

(b) A violation of subsection (a) of this section is a Class B misdemeanor for the first offense and a Class A misdemeanor for a subsequent offense."

/s/ Stan Berry

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Anderson, **HOUSE BILL NO. 2674** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2674

Amend **HOUSE BILL NO. 2674** as originally introduced:

Page 2, line 3, delete ", through December 31, 2007"

/s/ Keven Anderson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative E. Brown, **HOUSE BILL NO. 2793** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2793

Amend **HOUSE BILL NO. 2793** as engrossed,

H3/12/07 (version: 03-12-2007 08:47):

Page 1, line 30, delete "(2) The" and substitute "(2) If an item is not disposed of under subsection (c) of this section, the"

AND

Page 1, line 32, delete "writing that" and substitute "writing and the governing body of the municipality approves that"

/s/ Earnest Brown

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Allen, **HOUSE BILL NO. 2309** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2309

Amend **HOUSE BILL NO. 2309** as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

SUBCHAPTER 18 – METHAMPHETAMINE OFFENDER REGISTRATION ACT OF 2007

12-12-1801. Title.

This subchapter shall be known and may be cited as the "Methamphetamine Offender Registration Act of 2007".

12-12-1802. Legislative findings.

The General Assembly finds that:

(1) Methamphetamine offenders pose a high risk of exposing the citizens of this state to dangerous chemicals, fires, and explosions;

(2) Protecting the public from methamphetamine offenders is a

primary governmental interest;

(3) The privacy interest of methamphetamine offenders is less important than the government's interest in public safety; and

(4) The release of certain information about methamphetamine offenders to criminal justice agencies and the general public will assist in protecting the public safety.

12-12-1803. Definitions.

As used in this subchapter:

(1) "Adjudication of guilt" means a:

- (A) Plea of guilty;
- (B) Plea of nolo contendere;
- (C) Negotiated plea;
- (D) Finding of guilt by a judge; or
- (E) Finding of guilt by a jury;

(2)(A) "Administration of criminal justice" means performing functions of investigation, apprehension, detention, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

(B) "Administration of criminal justice" also includes criminal identification activities and the collection, maintenance, and dissemination of criminal justice information;

(3) "Change of address" means a change of residence or a change for more than thirty (30) days of temporary domicile, change of location of employment, education or training, or any other change that alters where a methamphetamine offender regularly spends a substantial amount of time;

(4) "Criminal justice agency" means a government agency or any subunit of a government agency that is authorized by law to perform the administration of criminal justice and which allocates more than one-half (1/2) of its annual budget to the administration of criminal justice;

(5) "Local law enforcement agency having jurisdiction" means the:

(A) Chief law enforcement officer of the municipality in which a methamphetamine offender:

- (i) Resides or expects to reside;
- (ii) Is employed; or
- (iii) Is attending an institution of training or education; or

(B) County sheriff, if:

(i) The municipality does not have a chief law enforcement officer; or

(ii) A methamphetamine offender resides or expects to

reside, is employed, or is attending an institution of training or education in an unincorporated area of a county;

(6) "Methamphetamine offender" means a person who is adjudicated guilty of a methamphetamine offense or acquitted on the grounds of mental disease or defect of a methamphetamine offense;

(7)(A) "Methamphetamine offense" includes without limitation:

(i) The following offenses:

(a) Manufacture of methamphetamine, § 5-64-401(a)(1); and

(b) Possession of drug paraphernalia with the intent to manufacture methamphetamine, § 5-64-403(c)(5);

(ii) An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in subdivision (7)(A)(i) of this section; and

(iii) An adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:

(a) Which is similar to any of the offenses enumerated in subdivision (7)(A)(i) of this section; or

(b) When that adjudication of guilt requires registration under another state's methamphetamine offender registration laws; and

(iv) A violation of any former law of this state that is substantially equivalent to any of the offenses enumerated in this subdivision (7)(A)(i) of this section.

(B)(i) The sentencing court has the authority to order the registration of any methamphetamine offender shown in court to have attempted to commit or to have committed a methamphetamine offense even though the offense is not enumerated in subdivision (7)(A)(i) of this section.

(ii) The authority in subdivision (7)(A)(i) of this section applies to methamphetamine offenses enacted, renamed, or amended at a later date by the General Assembly unless the General Assembly expresses its intent not to consider the offense to be a true methamphetamine offense for the purposes of this subchapter;

(8)(A) "Residency" means the place where a person lives notwithstanding that there may be an intent to move or return at some future date to another place.

(B) "Residency" also includes place of employment, training, or education; and

(9) "Sentencing court" means the judge of the court that sentenced the methamphetamine offender for the methamphetamine offense.

12-12-1804. Failure to comply with registration and reporting requirements - Refusal to cooperate with assessment process.

(a)(1)(A) Upon conviction, any person is guilty of a Class C felony who negligently:

(i) Fails to register or reregister as required under this subchapter; or

(ii) Fails to report a change of address, employment, education, or training as required under this subchapter.

(B)(i) Upon conviction, a methamphetamine offender who fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-1806 is guilty of a Class C felony.

(ii) If a methamphetamine offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-1806, as soon as administratively feasible the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Health and Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

(2) It is an affirmative defense to prosecution under this subsection if the person:

(A) Delayed reporting a change in address because of:

(i) An eviction;

(ii) A natural disaster; or

(iii) Any other unforeseen circumstance; and

(B) Provided the new address to the Arkansas Crime Information Center in writing no later than five (5) business days after the person establishes residency.

(b) Upon conviction, any agency or official subject to reporting requirements under this subchapter that knowingly fails to comply with the reporting requirements under this subchapter is guilty of a Class B misdemeanor.

12-12-1805. Applicability.

(a) The registration requirements of this subchapter apply to a person who:

(1) Is adjudicated guilty on or after July 1, 2009, of a methamphetamine offense;

(2) Is serving a sentence of incarceration, probation, parole, or other form of community correction supervision as a result of an adjudication of guilt on or after July 1, 2009, for a methamphetamine offense;

(3) Is acquitted on or after July 1, 2009, on the grounds of mental

disease or defect for a methamphetamine offense; or

(4) Is serving a commitment as a result of an acquittal on or after July 1, 2009, on the grounds of mental disease or defect for a methamphetamine offense.

(b) A person who has been adjudicated guilty of a methamphetamine offense and whose record of conviction will be expunged under the provisions of §§ 16-93-301 - 16-93-303 is not relieved of the duty to register under this subchapter.

(c)(1) If the underlying conviction of a person required to register under this subchapter is reversed, vacated, or set aside, or if the person required to register under this subchapter is pardoned, the person is relieved from the duty to register under this subchapter.

(2) The duty to register under this subchapter shall cease upon the receipt and verification by the Arkansas Crime Information Center of documentation from the:

(A) Sentencing court verifying the fact that the conviction has been reversed, vacated, or set aside; or

(B) Office of the Governor that the Governor has pardoned the person required to register under this subchapter.

12-12-1806. Duty to register generally - Review of requirements with offenders.

(a)(1)(A)(i) At the time of adjudication of guilt, the sentencing court shall enter on the judgment and commitment or judgment and disposition form that the defendant is required to register as a methamphetamine offender.

(ii) If the sentencing court finds the defendant is required to register as a methamphetamine offender, then at the time of adjudication of guilt the sentencing court shall require the methamphetamine offender to complete the methamphetamine offender registration form prepared by the Director of the Arkansas Crime Information Center pursuant to § 12-12-1808 and shall forward the completed methamphetamine offender registration form to the Arkansas Crime Information Center.

(B)(i) The Department of Correction shall ensure that a methamphetamine offender received for incarceration has completed the methamphetamine offender registration form.

(ii) If the Department of Correction cannot confirm that the methamphetamine offender has completed the methamphetamine offender registration form, the Department of Correction shall require the methamphetamine offender to complete the methamphetamine offender registration form upon intake, release, or discharge.

(C)(i) The Department of Community Correction shall ensure that a methamphetamine offender placed on probation or another form of community correction supervision has completed the methamphetamine offender registration form.

(ii) If the Department of Community Correction cannot confirm that the methamphetamine offender has completed the methamphetamine offender registration form, the Department of Community Correction shall require the methamphetamine offender to complete the methamphetamine offender registration form upon intake, release, or discharge.

(D)(i) The Arkansas State Hospital shall ensure that the methamphetamine offender registration form has been completed for any methamphetamine offender found not guilty by reason of mental disease or defect.

(ii) If the Arkansas State Hospital cannot confirm that the methamphetamine offender has completed the methamphetamine offender registration form, the Arkansas State Hospital shall ensure that the methamphetamine offender registration form is completed for the methamphetamine offender upon intake, release, or discharge.

(2)(A) A methamphetamine offender moving to or returning to this state from another jurisdiction shall register with the local law enforcement agency having jurisdiction within ten (10) days after the methamphetamine offender establishes residency in a municipality or county of this state.

(B)(i) Any person living in this state who would be required to register as a methamphetamine offender in the jurisdiction in which he or she was adjudicated guilty of a methamphetamine offense shall register as a methamphetamine offender in this state whether living, working, or attending school or other training in Arkansas.

(ii) A nonresident worker or student who enters the state for sixty (60) or more consecutive days to work or study or who enters the state for an aggregate of ninety (90) days or more a year shall register with the local law enforcement agency having jurisdiction.

(C) A methamphetamine offender sentenced and required to register outside of Arkansas shall:

(i) Provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, if a sample is not already accessible to the State Crime Laboratory; and

(ii) Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(b)(1) The registration file of a methamphetamine offender who is confined in

a correctional facility or serving a commitment following acquittal on the grounds of mental disease or defect shall be inactive until the registration file is updated by the department responsible for supervision of the methamphetamine offender.

(2) Immediately prior to the release or discharge of a methamphetamine offender or immediately following a methamphetamine offender's escape or his or her absconding from supervision, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Health and Human Services shall update the registration file of the methamphetamine offender who is to be released or discharged or who has escaped or has absconded from supervision.

(c)(1)(A) When registering a methamphetamine offender as provided in subsection (a) of this section, the sentencing court, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, the Department of Health and Human Services, or the local law enforcement agency having jurisdiction shall:

(i) Inform the methamphetamine offender of the duty to register and obtain the information required for registration as described in § 12-12-1808;

(ii) Inform the methamphetamine offender that if the methamphetamine offender changes residency within the state, the methamphetamine offender shall give the new address, place of employment, education, higher education, or training to the Arkansas Crime Information Center in writing no later than ten (10) days before the methamphetamine offender establishes residency or is temporarily domiciled at the new address;

(iii) Inform the methamphetamine offender that if the methamphetamine offender changes residency to another state or enters another state to work or attend school, the methamphetamine offender shall register the new address, place of employment, education, higher education, or training with the center not later than five (5) business days after the methamphetamine offender establishes residence or is temporarily domiciled in the new state;

(iv) Obtain fingerprints and a photograph of the methamphetamine offender if these have not already been obtained in connection with the offense that triggered registration;

(v) Obtain a deoxyribonucleic acid (DNA) sample if one has not already been provided;

(vi) Require the methamphetamine offender to complete the entire registration process, including without limitation, requiring the methamphetamine offender to read and sign a form stating that the duty of the

methamphetamine offender to register under this subchapter has been explained;

(vii) Inform the methamphetamine offender that if the methamphetamine offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the methamphetamine offender shall give the new address to the center in writing no later than five (5) business days after the methamphetamine offender establishes residency; and

(viii) Inform a methamphetamine offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the methamphetamine offender's probation.

(B)(i) Any person required to register as a methamphetamine offender shall provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registering if a sample has not already been provided to the State Crime Laboratory.

(ii) Any person required to register as a methamphetamine offender who is entering the State of Arkansas shall provide a deoxyribonucleic acid (DNA) sample, that is, a blood sample or saliva sample, upon registration and shall pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by § 12-12-1119.

(2) When updating the registration file of a methamphetamine offender, the Department of Correction, the Department of Community Correction, the Arkansas State Hospital, or the Department of Health and Human Services shall:

(A) Review with the methamphetamine offender the duty to register and obtain current information required for registration as described in § 12-12-1808;

(B) Review with the methamphetamine offender the requirement that if the methamphetamine offender changes address within the state, the methamphetamine offender shall give the new address to the center in writing no later than ten (10) days before the methamphetamine offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the methamphetamine offender the requirement that if the methamphetamine offender changes address to another state, the methamphetamine offender shall register the new address with the center not later than five (5) business days after the methamphetamine offender establishes residence or is temporarily domiciled in the new state;

(D) Require the methamphetamine offender to read and sign a form stating that the duty of the methamphetamine offender to register under this subchapter has been reviewed;

(E) Inform the methamphetamine offender that if the methamphetamine offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the methamphetamine offender shall give the new address to the center in writing no later than five (5) business days after the methamphetamine offender establishes residency; and

(E) Review with the methamphetamine offender the consequences of failure to provide any information required by subdivision (b)(2) of this section.

(d) Any methamphetamine offender working, enrolled, or volunteering in a public or private elementary, secondary or postsecondary school, or institution of training shall notify the center of that status and shall register with the local law enforcement agency having jurisdiction over the campus of the school that the methamphetamine offender is working at, enrolled in, or volunteering in.

(e)(1) A person required to register pursuant to this subchapter shall not change his or her name unless the change is:

(A) Incident to a change in the marital status of the methamphetamine offender; or

(B) Necessary to effect the exercise of the religion of the methamphetamine offender.

(2) The change in the methamphetamine offender's name shall be reported to the Director of the Arkansas Crime Information Center within ten (10) calendar days after the change in name.

(3) A violation of this subsection is a Class C felony.

12-12-1807. Report to Arkansas Crime Information Center - Report to law enforcement agency.

(a)(1) Within three (3) days after registering or updating the registration file of a methamphetamine offender, the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, the sentencing court, or the local law enforcement agency having jurisdiction shall report, by written or electronic means, all information obtained from the methamphetamine offender and regarding the methamphetamine offender to the Arkansas Crime Information Center.

(2) The center shall immediately enter the information into its record system for maintenance in a central registry and notify the local law enforcement agency having jurisdiction.

(b)(1)(A) No later than ten (10) days after release from incarceration or after the date of sentencing, a methamphetamine offender shall report to the local law

enforcement agency having jurisdiction and update the information in the registration file.

(B) If the methamphetamine offender is not already registered, the local law enforcement agency having jurisdiction shall register the methamphetamine offender in accordance with this subchapter.

(2) Within three (3) days after registering a methamphetamine offender or receiving updated registry information on a methamphetamine offender, the local law enforcement agency having jurisdiction shall report, by written or electronic means, all information obtained from the methamphetamine offender to the center.

12-12-1808. Registration format - Requirements.

(a) The Director of the Arkansas Crime Information Center shall prepare the format for registration as required in subsection (b) of this section and shall provide instructions for registration to each organized full-time municipal police department, county sheriff's office, the Department of Correction, the Department of Community Correction, the Department of Health and Human Services, and the Administrative Office of the Courts.

(b) The registration file required by this subchapter shall include:

(1) The methamphetamine offender's full name and all aliases that the methamphetamine offender has used or under which the offender has been known;

(2) Date of birth;

(3) Gender;

(4) Race;

(5) Height;

(6) Weight;

(7) Hair and eye color;

(8) Address of any temporary residence;

(9) Anticipated address of legal residence;

(10) Driver's license number or state identification number, if available;

(11) Social security number;

(12) Place of employment, education, or training;

(13) Photograph, if not already obtained;

(14) Fingerprints, if not already obtained;

(15) Date of arrest, arresting agency, offense for which convicted or acquitted, and arrest tracking number for each adjudication of guilt or acquittal on the grounds of mental disease or defect;

(16) A brief description of the crime or crimes for which registration is required;

(17) The registration status of the person as a methamphetamine offender;

(18) A statement in writing signed by the methamphetamine offender acknowledging that the methamphetamine offender has been advised of the duty to register imposed by this subchapter; and

(19) Any other information that the center deems necessary, including without limitation:

(A) Criminal and corrections records;

(B) Nonprivileged personnel records;

(C) Treatment and abuse registry records; and

(D) Evidentiary genetic markers.

(c) Certain information such as a social security number, a driver's license number, an employer, information that may lead to identification of the victim, and other similar information may be excluded from the information that is released during the course of notification.

12-12-1809. Verification form - Change of address.

(a)(1) For a person required to register as a methamphetamine offender, every six (6) months after the methamphetamine offender's initial registration date during the period in which the person is required to register, the following applies:

(A) The Arkansas Crime Information Center shall mail a nonforwardable verification form to the last reported address of the methamphetamine offender by certified mail;

(B)(i) The methamphetamine offender shall return the verification form in person to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the form.

(ii) Within three (3) days after receipt of the form, the local law enforcement agency having jurisdiction shall forward the form to the center;

(C) The verification form shall be signed by the person and state that the methamphetamine offender still resides at the address last reported to the center; and

(D) If the methamphetamine offender fails to return the verification form to the local law enforcement agency having jurisdiction within ten (10) days after receipt of the form, the methamphetamine offender shall be in violation of this subchapter.

(2) If the methamphetamine offender changes address without notice or fails to return the verification of residence, notification will be sent to law enforcement and any supervising parole or probation authority, and notice may be posted on the Internet until proper reporting is again established or the

methamphetamine offender is incarcerated.

(b)(1) Before a change of address within the state, a methamphetamine offender shall report the change of address to the center no later than ten (10) days before the methamphetamine offender establishes residency or is temporarily domiciled at the new address.

(2) When a change of address within the state is reported to the center, the center shall immediately report the change of address to the local law enforcement agency having jurisdiction where the methamphetamine offender expects to reside.

(c)(1) Before a change of address to another state, a methamphetamine offender shall register the new address with the center and with a designated law enforcement agency in the state to which the methamphetamine offender moves not later than ten (10) days before the methamphetamine offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement.

(2) When a change of address to another state is reported to the center, the center shall immediately notify the law enforcement agency with which the methamphetamine offender must register in the new state if the new state has a registration requirement.

(d) The center may require a methamphetamine offender to report a change of address through the local law enforcement agency having jurisdiction.

12-12-1810. Fine.

(a) Unless finding that undue hardship would result, the sentencing court shall assess at the time of sentencing a mandatory fine of two hundred fifty dollars (\$250) on any person who is required to register under this subchapter.

(b) The fine provided in subsection (a) of this section and collected in circuit court, district court, or city court, shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit as special revenues into the State Treasury to the credit of the Methamphetamine Offenders Registration Fund as established by § 12-12-1811.

12-12-1811. Methamphetamine Offenders Registration Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Methamphetamine Offenders Registration Fund".

(b)(1) This fund shall consist of special revenues collected pursuant to § 12-12-1810, there to be used equally by the Arkansas Crime Information Center and the Department of Correction for the administration of this subchapter.

(2) Any unexpended balance of this fund shall be carried forward and made available for the same purpose.

12-12-1812. Arrests for violations.

(a) In order for a methamphetamine offender to be charged with the commission of a violation of this subchapter so that an arrest warrant shall be issued, the local law enforcement agency having jurisdiction shall notify the prosecutor when the local law enforcement agency having jurisdiction has reasonable grounds for believing that a methamphetamine offender is not registered, has not reported a change of address, or has not verified the methamphetamine offender's address in violation of this subchapter.

(b) The address of a methamphetamine offender as listed in the methamphetamine offender's registration file shall determine which local law enforcement agency has jurisdiction.

(c) A law enforcement officer shall arrest a methamphetamine offender when a warrant has been issued for the methamphetamine offender's arrest or the law enforcement officer has reasonable grounds for believing that a methamphetamine offender is not registered or has not reported a change of address in violation of this subchapter.

12-12-1813. Disclosure.

(a)(1) Registration records maintained pursuant to this subchapter shall be open to any criminal justice agency in this state, the United States, or any other state.

(2) Registration records may also be open to government agencies authorized by law to conduct confidential background checks.

(b) In accordance with rules promulgated by the Methamphetamine Offender Registration Committee, local law enforcement agencies having jurisdiction shall disclose relevant and necessary information regarding methamphetamine offenders to the public when the disclosure of such information is necessary for public protection.

(c)(1)(A) The Methamphetamine Offender Registration Committee shall promulgate rules to establish guidelines and procedures for the disclosure of relevant and necessary information regarding methamphetamine offenders to the public when the release of the information is necessary for public protection.

(B) In developing the guidelines and procedures, the Methamphetamine Offender Registration Committee shall consult with persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, and community relations.

(2)(A) The guidelines and procedures shall identify factors relevant to a methamphetamine offender's future dangerousness and likelihood of reoffense or threat to the community.

(B) The guidelines and procedures shall also address the extent of the information to be disclosed and the scope of the community to whom disclosure shall be made as these factors relate to the:

(i) Level of the methamphetamine offender's dangerousness;

(ii) Methamphetamine offender's pattern of offending behavior; and

(iii) Need of community members for information to enhance their individual and collective safety.

(3) The Methamphetamine Offender Registration Committee shall submit the proposed guidelines and procedures to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor for their review and shall report to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor every six (6) months on the implementation of this section.

(d)(1) A local law enforcement agency having jurisdiction that decides to disclose information pursuant to this section shall make a good faith effort to notify the public and residents in its jurisdiction at least fourteen (14) days before a methamphetamine offender is released or placed into its jurisdiction.

(2) If a change occurs in a methamphetamine offender's release plan, this notification provision shall not require an extension of the release date.

(3) In conjunction with the notice provided under § 12-12-1814, the Department of Correction and the Department of Health and Human Services shall make available to a local law enforcement agency having jurisdiction all information that the Department of Correction and the Department of Health and Human Services have concerning the methamphetamine offender, including information on risk factors in the methamphetamine offender's history.

(e) A local law enforcement agency having jurisdiction may continue to disclose information on a methamphetamine offender under this section for as long as the methamphetamine offender is required to be registered under this subchapter.

(f)(1) The State Board of Education, the Arkansas Higher Education Coordinating Board, and the State Board of Workforce Education and Career Opportunities shall promulgate rules for the disclosure to students and parents of information regarding a methamphetamine offender when such information is

released to a local school district or institution of higher education or vocational training by a local law enforcement agency having jurisdiction.

(2) In accordance with rules promulgated by the State Board of Education, the board of directors of a local school district or institution of higher education or vocational training shall adopt a written policy regarding the distribution to students and parents of information regarding a methamphetamine offender.

(g) Nothing in this section shall prevent a law enforcement officer from notifying members of the public about a person who may pose a danger to the public for a reason that is not enumerated in this subchapter.

(h) The medical records or treatment evaluations of a methamphetamine offender are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(i)(1)(A) The following information concerning a methamphetamine offender shall be made public:

(i) The methamphetamine offender's complete name, as well as any aliases;

(ii) The methamphetamine offender's date of birth;

(iii) Any methamphetamine offense to which the methamphetamine offender has pleaded guilty or nolo contendere to or of which the methamphetamine offender has been found guilty by a court of competent jurisdiction;

(iv) The street name and block number, county, city, and zip code where the methamphetamine offender resides;

(v) The methamphetamine offender's race and gender;

(vi) The date of the last address verification of the methamphetamine offender provided to the Arkansas Crime Information Center;

(vii) The most recent photograph of the methamphetamine offender that has been submitted to the center; and

(viii) The methamphetamine offender's parole or probation office.

(B) The center shall prepare and place the information in subdivision (i)(1)(A) of this section on the Internet home page of the State of Arkansas.

(2) The center may promulgate any rules necessary to implement and administer this subsection.

(j) Nothing in this subchapter shall be interpreted to prohibit the posting on the Internet or by other appropriate means of offender fact sheets for those methamphetamine offenders who are determined to be in noncompliance with the

requirements of registration under rules and regulations promulgated by the Methamphetamine Offender Registration Committee.

12-12-1814. Notice of release.

(a)(1) The Department of Correction shall provide notice by written or electronic means to the Arkansas Crime Information Center of the anticipated release from incarceration in a county or state correctional institution of a person serving a sentence for a methamphetamine offense.

(2) The Department of Health and Human Services shall provide notice by written or electronic means to the center of the anticipated release from incarceration of a person committed following an acquittal on the grounds of mental disease or defect for a methamphetamine offense.

(b)(1)(A) If available, the notice required in subsection (a) of this section shall be provided to the center ninety (90) days before the methamphetamine offender's anticipated release.

(B) However, a good faith effort shall be made to provide the notice at least thirty (30) days before release.

(2) The notice shall include the methamphetamine offender's name, identifying factors, offense history, and anticipated future residence.

(c) Upon receipt of notice, the center shall provide notice by written or electronic means to:

(1) The local law enforcement agency having jurisdiction; and

(2) Other state and local law enforcement agencies as appropriate for public safety.

12-12-1815. Authority - Rules.

The Department of Correction, the Department of Community Correction, the Department of Health and Human Services, the Administrative Office of the Courts, and the Arkansas Crime Information Center shall promulgate rules to establish procedures for:

(1) Notifying a methamphetamine offender of the obligation to register pursuant to this subchapter; and

(2) Registering a methamphetamine offender.

12-12-1816. Publication and notice of obligation to register.

The Office of Driver Services shall provide notice of the obligation to register pursuant to this subchapter in connection with each driver's license issued pursuant to § 27-16-801 and each identification card issued pursuant to § 27-16-805.

12-12-1817. Termination of obligation to register.

(a)(1)(A) A methamphetamine offender required to register under this subchapter may make application for an order terminating the obligation to register

to the sentencing court fifteen (15) years after release from incarceration or other institution or fifteen (15) years after having been placed on probation or any other form of community correction supervision by the sentencing court.

(B) A methamphetamine offender sentenced in another state but desiring to permanently reside in Arkansas may make an application under subdivision (a)(1)(A) of this section for an order terminating the obligation to register to the court of the county in which the methamphetamine offender resides.

(2)(A) The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence.

(B) No less than twenty (20) days prior to the date of the hearing on the application, a copy of the application for termination of the obligation to register shall be served on the prosecutor of the county in which the adjudication of guilt triggering registration was obtained.

(b) The court shall grant an order terminating the obligation to register upon proof by a preponderance of the evidence that:

(1) The applicant released or placed on parole, supervised release, or probation has not been adjudicated guilty of a methamphetamine offense for a period of fifteen (15) years after the applicant was released from prison or other institution; and

(2) The applicant is not likely to pose a threat to the safety of others.

12-12-1818. Immunity from civil liability.

(a) A public official, public employee, or public agency is immune from civil liability for good faith conduct under this subchapter.

(b) This subchapter does not impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for any discretionary decision to release relevant and necessary information, unless it is shown that the public official, public employee, or public agency acted with gross negligence or in bad faith.

(c) This section also applies to a person or organization assisting a public official, public employee, or public agency in performing official duties upon a written request to assist by the public official, public employee, or public agency.

12-12-1819. Methamphetamine Offender Registration Committee.

(a) The Methamphetamine Offender Registration Committee shall consist of eight (8) members as follows:

(1) The Governor shall appoint, subject to confirmation by the Senate:

(A) One (1) member who is a criminal defense attorney;

(B) One (1) member who is a prosecuting attorney;

(C) One (1) member who is a licensed mental health

professional and has demonstrated expertise in the treatment of methamphetamine offenders;

(D) One (1) member who is a law enforcement officer; and

(E) One (1) member with expertise in juvenile justice or

treatment;

(2) The Director of the Department of Correction or the director's

designee;

(3) The Director of the Department of Community Correction or the director's designee; and

(4) The Director of the Arkansas Crime Information Center or the director's designee.

(b)(1) Members appointed by the Governor shall be for four-year staggered terms to be assigned by lot at the first meeting.

(2) If a vacancy of one (1) of the members appointed by the Governor occurs for any reason other than expiration of a regular term, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor.

(3) A member of the committee appointed by the Governor may be removed by the Governor for neglect of duty or malfeasance in office.

(4) A member shall be considered active unless his or her resignation has been submitted or requested by the Governor or he or she has more than two (2) unexcused absences from meetings in a twelve-month period and this fact has been reported to the Governor.

(c) The members of the committee shall elect annually a chair and a vice chair from their membership.

(d) The Director of the Department of Correction or the director's designee shall serve as the executive secretary.

(e)(1) A majority of the members of the committee shall constitute a quorum for the transaction of business.

(2) The committee shall meet at least quarterly.

(3) A special meeting may be called by the chair or as provided by the rules adopted by the committee.

(f) The executive secretary of the committee shall keep full and true records of all committee proceedings and preserve all books, documents, and papers relating to the business of the committee.

(g) The meetings of the committee shall be open to the public except when the committee is discussing, deliberating, or voting on an individual methamphetamine offender case.

(h)(1) The committee shall report in writing to the Governor and to the

Legislative Council by July 31 of each year.

(2) The report shall contain:

(A) A summary of the proceedings of the committee during the preceding fiscal year;

(B) A detailed and itemized statement of all revenue and of all expenditures made by or on behalf of the committee;

(C) Other information deemed necessary or useful; and

(D) Any additional information that may be requested by the Governor and the Legislative Council.

SECTION 2. Effective date. This act is effective on July 1, 2009."

/s/ Fred Allen

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. 1422** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1422

Amend **HOUSE BILL NO. 1422** as originally introduced:

Page 2, delete line 32, and substitute the following:

"possessing, storing, or transferring a controlled substance.

(e) A veterinarian is exempt from the excise tax imposed by this subchapter when he or she is lawfully using, possessing, storing, or transferring a controlled substance."

AND

Page 4, delete line 31, and substitute the following:

"(a)(1) Twenty-five percent (25%) of any tax, interest, penalty, or cost received by the Director of"

AND

Page 4, delete lines 35 and 36, and substitute the following:

"(2) The Treasurer of State shall allocate and transfer any tax, interest, penalty, or cost received under subdivision (a)(1) of this section to the various State

Treasury funds participating"

AND

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

"Stabilization Law of Arkansas, § 19-5-101 et seq.

(b)(1) Seventy-five percent (75%) of any tax, interest, penalty, or cost received by the director under this subchapter shall be classified as special revenues and shall be deposited into the State Treasury.

(2) After deducting the amount to be credited to the Constitutional Officers Fund and the State Central Services Fund as provided under the Revenue Stabilization Law, § 19-5-101 et seq., the Treasurer of State shall transfer on the last business day of each month the balance of the amount received under subdivision (b)(1) of this section to the Excise Tax on Controlled Substances Fund.

SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended to add an additional section to read as follows:

19-6-805. Excise Tax on Controlled Substances Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Excise Tax on Controlled Substances Fund".

(b)(1) All moneys collected under § 26-57-1411(b) shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) The fund shall also consist of any other revenues as may be authorized by law.

(c) The fund shall be used by the Director of the Department of Finance and Administration to:

(1) Pay the costs of storing and disposing of any assets seized in payment of an assessment under the Excise Tax on Controlled Substances Act, § 26-57-1401 et seq.; and

(2)(A) Remit the balance of proceeds collected by an assessment under the Excise Tax on Controlled Substances Act, § 26-57-1401 et seq. to the state or local law enforcement agency that conducted the investigation of the person liable to pay the excise tax that led to the assessment.

(B) The proceeds described in subdivision (c)(2)(A) of this section are to be used by the law enforcement agency solely for the purpose of investigating, combating, preventing, and reducing drug crimes.

(C)(i) If more than one (1) state or local law enforcement agency conducted the investigation described in subdivision (c)(2)(A) of this section, the director shall determine the equitable share for each law enforcement agency based on the contribution each law enforcement agency made to the investigation.

(ii) The director's determination under subdivision (c)(2)(C)(i) of this section is final and is not subject to review in an administrative or judicial proceeding."

/s/ Denny Sumpter

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cook, **HOUSE BILL NO. 2255** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2255

Amend **HOUSE BILL NO. 2255** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-20-2305(b)(1), concerning funding for additional categories, is amended to read as follows:

(b)(1) In addition to state foundation funding aid, each school district shall receive funding for additional education categories as provided in subdivisions (b)(2)-~~(6)~~(5) of this section.

SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C), concerning the use of national school lunch student funding, is amended to read as follows:

(C)(i)(a) The State Board of Education shall establish by rule a list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended.

~~(b) Through June 30, 2007, the State Board of Education shall approve the use of funds by a school district to supplement salaries for classroom teachers only under the following conditions:~~

~~(1) The school district meets the minimum teacher salary schedule in § 6-17-2403 without using funds provided under this subdivision (b)(4); and~~

~~(2) The school district is permitted to use funds provided under this subdivision (b)(4) to supplement salaries for classroom teachers only to the extent the school district was using funds provided under this subdivision (b)(4) to supplement salaries for classroom teachers as of January 1, 2006.~~

~~(e)~~(b) School districts shall expend funds

allocated under this subdivision (b)(4) only on the programs or purposes on the State Board of Education's list of approved programs and purposes for which funds allocated under this subdivision (b)(4) may be expended, which shall include, but are not limited to:

(1) Classroom teachers, provided that the school district meets the minimum salary schedule in § 6-17-2403 without using funds provided under this subdivision (b)(4) and that those teachers are used for the purposes delineated in this subdivision (b)(4) ~~and as allowed through June 30, 2007, under subdivision (b)(4)(C)(ii) of this section to supplement salaries of classroom teachers;~~

(2) Before-school academic programs and after-school academic programs, including transportation to and from the programs;

(3) Prekindergarten programs coordinated by the Department of Health and Human Services;

(4) Tutors, teachers' aides, counselors, social workers, nurses, and curriculum specialists;

(5) Parent education;

(6) Summer programs;

(7) Early intervention programs; and

(8) Materials, supplies, and equipment, including technology used in approved programs or for approved purposes.

(ii) School districts that have met the needs of students for whom the funding is provided for additional educational categories under subsection (b) of this section and that have excess national school lunch student categorical funds provided under this subdivision (b)(4) may use the excess national school lunch student categorical funds to supplement all classroom teacher salaries under the following conditions:

(a) The school district shall not use any portion of the national school lunch student categorical funds that are carry forward or reserve funds to supplement classroom teacher salaries;

(b) The school district shall meet the minimum teacher salary schedule under § 6-17-2403 without using national school lunch student categorical funds;

(c) The school district shall comply with the Standards for Accreditation of Arkansas Public Schools established under The Quality Education Act of 2003, § 6-15-201 et seq. and the Arkansas Fiscal Assessment and Accountability Program under § 6-20-1901 et seq. without using national school lunch student categorical funds; and

(d) The school district shall agree that it shall not allocate or use any excess national school lunch student categorical funds in any manner except as a bonus to the salary of classroom teachers.

(iii) The school district shall include with its comprehensive school improvement plan a written detailed statement concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

(iv)(a) Upon review of the school district's comprehensive school improvement plan, if the Commissioner of Education determines that the school district has met the needs of students in the school district for whom the funding for additional educational categories under subsection (b) of this section is provided, has met the requirements of subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently managed its resources, the commissioner shall give written approval of the detailed planned flexible use of excess national school lunch student categorical funds provided to the school district.

(b) The school district shall not use its excess national school lunch categorical funds for classroom teacher salaries as provided in subdivision (b)(4)(C)(ii) of this section unless:

(1) The commissioner provides the written approval required under subdivision (b)(4)(C)(iv)(a) of this section; and

(2) Funds allocated under this subdivision (b)(4) are available.

(v)(a) The excess national school lunch student categorical funds used to supplement the salary of a classroom teacher shall only be used as a nonrecurring bonus to a classroom teacher's salary for any given school year and shall not be considered a permanent obligation under the school district's teacher salary schedule or as contract obligations of any classroom teacher or employee of the school district.

(b) Each teacher contract with the school district shall contain a statement that recites subdivision (b)(4)(C)(v)(a).

(ii)(vi) However, notwithstanding Notwithstanding any other provision of law, if the Department of Education determines that a school district's expenditure of funds allocated under this subdivision (b)(4) would result in the school district's losing funding under any federal law, then the funds allocated to a school district under this subdivision (b)(4) may be expended for other academic programs or salaries.

~~(iii)~~(vii) The Department of Education may direct that a school district expend available funds on specified programs under subdivision (b)(4)(C)(i) of this section.

(viii)(a) By the end of each school year, each school district shall submit to the Department of Education a report listing each program upon which funds allocated under this subdivision (b)(4) were expended, the amount expended, and any other information required by the Department of Education on the use of funds allocated under this subdivision (b)(4).

(b) The Department of Education shall develop appropriate reporting forms for use by school districts to comply with subdivision (b)(4)(C)(viii) of this section."

/s/ David Cook

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. 1324** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1324

Amend **HOUSE BILL NO. 1324** as engrossed,

H3/9/07 (version: 03-09-2007 11:02):

Page 2, delete lines 20 through 27 and substitute the following:

~~"(3) "Rural community" means a community within a health professions shortage area, as determined by the board, or a community having a population of no more than fifteen thousand (15,000) persons according to the most recent federal census taken prior to the execution of the loan contract or the most recent federal census taken prior to the time the recipient of the loan or loans shall be required to practice full time in such rural community as provided in § 6-81-708.~~

(5) "Designated specialty" means a medical practice, other than"

AND

Page 3, delete lines 11 and 12 and substitute the following"

"member appointed by the Arkansas Medical Association- Society, giving preference to physicians who have received rural medical practice loans or community match

loans;

AND

Page 3, delete line 23 and substitute the following:

“(A) For a health professions shortage area; ~~and~~”

AND

Page 3, delete line 27 and substitute the following:

“Recruitment Program; and

(C) For a procedure to resolve disputes arising out of or relating to a rural practice or community match loan contract.”

AND

Page 4, delete lines 5 and 6 and substitute the following:

“(8) Sue, and be sued as the board; and”

AND

Page 6, delete line 17 and substitute the following:

“determine payable under § 6-81-716.”

AND

Page 7, delete line 16 and substitute the following:

“medical practice loan, the board may approve the recipient’s request to”

AND

Page 7, delete line 20 and substitute the following”

“cannot sustain a full time medical practice or other compelling circumstances exist.”

AND

Page 7, delete lines 35 and 36

AND

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

“practice medicine in this state.

(B) For any contract entered into after August 1, 2007, the recipient’s medical license may not be suspended unless the recipient’s contract contained a specific term that loss of license was a consequence of breach and the recipient signed a written acknowledgment of understanding that the suspension of license was explained to him or her orally as a potential consequence of breach of the contractual provisions.”

AND

Page 8, delete line 13 and substitute the following:

“each full year of medical practice according to the terms of the loan contract, is paid in full.”

AND

Page 8, delete line 18 and substitute the following:

"rural community and that breach of that contract ~~will result in automatic~~ may"

AND

Page 9, delete lines 14 and 15 and substitute the following:

"(D) In the event of the death of the recipient, all loans unpaid the entire loan amount that has not been converted to a scholarship grant pursuant to the terms of the loan contract shall be due and payable."

AND

Page 9, delete lines 17 through 19 and substitute the following:

"College of Medicine of the University of Arkansas for Medical Sciences enters into a rural medical practice program contract conditioned only upon the applicant's being accepted for admission to the College and otherwise meets the requirements of § 6-81-706 and if the applicant is moved to the top of the waiting list under § 6-81-718, the alternate's contract shall contain an"

AND

Page 9, delete line 25 and substitute the following:

"suspension, the amount of the civil money penalty, and the terms of repayment of the loans."

AND

Page 10, delete lines 24 through 34 and substitute the following:

"Funds collected as a result of a recipient's breach of a rural practice loan contract or community match loan contract shall be held in trust for the use of the Arkansas Rural Medical Practice Student Loan and Scholarship Program and the Community Match Loan and ~~Scholarship~~ Rural Physician Recruitment Program, or as otherwise deemed appropriate by the board in its discretion, and disbursed by the fiscal officer of the University of Arkansas for Medical Sciences pursuant to under ~~to~~ this subchapter."

AND

Delete page 11 through 13

AND

Page 14, delete lines 1 and 2 and substitute the following:

"(a) Any applicant for a loan issued by the Arkansas Rural Medical Practice Student Loan and Scholarship Board, and any person who has been granted a loan by the board, or any party to a rural medical practice or community match loan may appeal any decision or action by the board relating to the application for a loan or relating to a loan granted by the board pursuant to the dispute resolution procedure established under this subchapter. An appeal from any decision or action of the board or of the Director of Student Aid of the University of Arkansas for Medical Sciences may be made at any time to the President of the University of Arkansas,

except that the president may designate the General Counsel for the University of Arkansas to serve as the officer to hear such appeals.

(b)(1) The board, under § 6-81-702(b)(1), shall promulgate rules establishing a procedure that may be used by a loan recipient, the board, or a qualified rural community to resolve any dispute arising out of or relating to a rural practice or community match loan contract, including the validity or interpretation of a contract term, contract enforcement or defenses, the occurrence of an event of default or breach, loan repayment, the assessment or imposition of contract damages or civil money penalties, or other related disputes.

(2) The rules may provide for alternative dispute resolution, such as mediation, as appropriate.

(3) The dispute resolution procedure established by the board shall be followed before the initiation of any litigation related to a rural practice or community match loan contract.

(c) Nothing in this subchapter shall prohibit informal disposition by stipulation, settlement, or consent.”

AND

Page 15, delete lines 31 through 34 and substitute the following”

“community and a recipient regarding the loan contract, including establishing a medical practice in the community, shall be in writing and included as an addendum to the loan contract.

(2) The form of the community match loan contract shall be approved by the”

AND

Page 16, delete line 25 and substitute the following

“medical practice by the recipient, according to the terms of the loan contract, the board and the qualified rural”

AND

Page 21, delete line 15 and substitute:

“to add three additional sections to read as follows:”

AND

Page 22, delete lines 6 and 7 and substitute the following:

“The General Assembly expressly intends that § 6-81-701(2) shall apply retroactively to loan”

AND

Page 22, delete line 9 and substitute the following:

“residencies or approved fellowship training on or before August 1, 2007.

6-81-722. Sunset Clause.

(a) Loan recipients enrolled in the community match program on or before the day before the effective date of this act shall not have their loan contracts impaired by the amendments to the community match program.

(b)(1) Subject to the availability of funds, the loan for the academic year shall be renewable annually for the number of years required to complete studies leading to the Doctor of Medicine degree or for additional amounts, not to exceed sixteen thousand five hundred dollars (\$16,500).

(2) However, all subsequent loans shall be granted only upon application by the recipient and a finding by the board that the applicant:

(A) Has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;

(B) Is enrolled or participating in a medically underserved and rural practice curriculum; and

(C) Continues to be a resident of Arkansas.

(c) This section expires on August 31, 2014."

AND

Page 22, delete lines 13 through 20 and substitute the following:

"(b)(1)(A)(i) The board shall suspend an existing license in the event the holder breached a contract to practice medicine in a rural community that was entered into under the provisions of §6-81-701 et seq. Upon receipt of a final order from another agency of the State of Arkansas or a final order from a court of this state after all appeal rights have been exhausted, that finds a physician licensed to practice medicine in this state has breached the loan contract entered into by the physician under §§ 6-81-701 et seq., the board may suspend the license of that physician.

(ii) However no license may be suspended unless the physician was given notice and there is evidence that the suspension of his or her medical license was a potential consequence of breach of the loan contract, or both."

AND

Page 22, delete line 26 and substitute the following:

"year of medical practice according to the terms of the loan contract, is paid in full."

AND

Page 23, delete lines 5 through 8 and substitute the following:

“remedy contractual obligations, and for attempts at resolution to occur; and that it is imperative that changes be made in”

/s/ David Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adcock, **HOUSE BILL NO. 2645** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2645

Amend **HOUSE BILL NO. 2645** as engrossed,

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

Page 1, line 28, delete "fourteen (14)" and substitute "sixteen (16)"

AND

Page 2, line 5, delete "and" entirely

AND

Page 2, delete line 7 and substitute:

"the Senate; and

(8) Two (2) members appointed by the Speaker of the House of Representatives."

/s/ Pam Adcock

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. 2364** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2364

Amend **HOUSE BILL NO. 2364** as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 23-112-106, concerning enforcement of the Arkansas Motor Vehicle Commission Act, is amended to add an additional subsection to read as follows:

(c) Local law enforcement may utilize the provisions of this act when it deems necessary in order to protect consumers."

/s/ Daniel Greenberg

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Garner, **HOUSE BILL NO. 2295** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2295

Amend **HOUSE BILL NO. 2295** as originally introduced:

Page 1, delete lines 29 through 31 and substitute the following:

"SECTION 2. Arkansas Code § 21-15-102(a) and (b) are amended to read as follows:"

AND

Page 3, delete lines 21 through 36

AND

Page 4, delete lines 1 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 26

AND

Page 6, delete lines 28 through 30, delete and substitute the following:

“SECTION 3. Arkansas Code § 21-15-103(a) is amended to read as follows:”

AND

Page 7, delete lines 27 through 36

AND

Page 8, delete lines 1 through 36

AND

Page 9, delete lines 1 through 36

AND

Page 10, delete lines 1 through 36

AND

Page 11, delete lines 1 through 7

AND

Page 12, delete lines 26 through 28 and substitute the following:

“SECTION 7. Arkansas Code § 21-15-111(a) and (b) are amended to read as follows:”

AND

Page 13, delete lines 35 and 36

AND

Page 14, delete lines 1 through 36

AND

Page 15, delete lines 1 through 36

AND

Page 16, delete lines 1 through 29

AND

Page 16, delete lines 31 through 33 and substitute the following:

“SECTION 8. Arkansas Code § 21-15-112(a) is amended to read as follows:”

AND

Page 17, delete lines 15 through 36

AND

Page 18, delete lines 1 through 36

AND

Page 19, delete lines 1 through 36

AND

Page 20, delete lines 1 through 19

/s/ Ed Garner

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Key, **HOUSE BILL NO. 2719** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2719

Amend **HOUSE BILL NO. 2719** as originally introduced:

Page 1, delete lines 20 through 21, and substitute the following:

"SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 3 is amended to add an additional section to read as follows:

26-52-321. Fishing guide services.

(a) The excise tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., is levied on the gross receipts or gross proceeds derived from a fishing guide service provided as a part of a guided fishing trip if the fishing guide service is purchased in conjunction with the sale or lease of taxable tangible personal property by the person providing the fishing guide service, including without limitation:

- (1) Boat or a boat motor;
- (2) Fish bait; or
- (3) Meals.

(b) The Director of the Department of Finance and Administration shall promulgate rules to implement this section."

/s/ Johnnie Key

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 2559** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2559

Amend **HOUSE BILL NO. 2559** as originally introduced:

Page 4, line 8, delete "Department of Health and Human Services" and substitute "Arkansas Child Abuse/Rape/Domestic Violence Commission"

AND

Page 4, line 16, delete "Department of Health and Human Services" and substitute "Arkansas Child Abuse/Rape/Domestic Violence Commission"

AND

Page 4, line 20, delete "Department of Health and Human Services" and substitute "Arkansas Child Abuse/Rape/Domestic Violence Commission"

/s/ Linda Chesterfield

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pyle, **HOUSE BILL NO. 2288** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2288

Amend **HOUSE BILL NO. 2288** as originally introduced:

Page 2, delete line 18, and substitute the following:

"Chief Fiscal Officer of the State."

AND

Page 2, delete lines 23 through 24, and substitute the following:

"(5) The funds collected under subdivision (d)(4) shall be distributed to the taxing units in the county in the manner prescribed by law.

(6) The Chief Fiscal Officer of the State shall certify any amount certified by the county under subdivision (d)(3)(B) of this section to the Treasurer of State."

/s/ Beverly Pyle

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Harris, **HOUSE BILL NO. 1097** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1097

Amend **HOUSE BILL NO. 1097** as engrossed,
H3/5/07 (version: 03-05-2007 09:14):

Delete SECTION 1 of the bill in its entirety

AND

Delete SECTION 4 of the bill in its entirety

AND

Page 4, line 10, delete "SECTION 2" and substitute "SECTION 1"

AND

Page 5, line 7, delete "SECTION 3" and substitute "SECTION 2"

AND

Page 7, delete lines 9 through 26, and substitute the following:

"SECTION 3. Arkansas Code § 24-10-411 is repealed.

~~24-10-411. Transfer of subsidy account funds.~~

~~Any city or town whose local police pension and relief fund or firemen's relief and pension fund has a balance, no participants, and an excess in its local Arkansas Local Police and Fire Retirement System subsidy account can transfer money left in the subsidy account to the city or town general fund for capital improvements.~~

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the current laws applicable to the local police and fire pension and relief funds regarding retirement funding allocations require revision; and that revisions are necessary to ensure the effective and efficient operation of the system. Therefore, an immediate emergency is declared to exist and this act being 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."

/s/ Eric Harris

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. 1210** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1210

Amend **HOUSE BILL NO. 1210** as engrossed,

H1/24/07 (version: 01-24-2007 14:47):

Page 2, line 34, delete the single digit "3" and substitute "4"

And

Page 3, line 10, delete "2" and substitute "1"

And

Page 3, line 24, delete the single digit "1" and substitute "2"

And

Page 3, line delete line 26 in its entirety

And

Appropriately renumber the Item Nos. in SECTION 1

/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. 1292** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1292

Amend **HOUSE BILL NO. 1292** as engrossed,
H2/16/07 (version: 02-16-2007 11:20):

Delete SECTION 17 of the bill in its entirety and substitute the following:

" SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY. The Director of the Department of Health and Human Services shall have transfer authority provided by the following:

(a) DEPARTMENT OF HUMAN SERVICES RENOVATION FUND. The Director of the Department of Health and Human Services is authorized to request fund transfers according to the provisions established by Arkansas Code Ann. 19-5-1020, Department of Human Services Renovation Fund, as amended herein; and

(b) MATCH TRANSFER. The Director of the Department of Health and Human Services, with the approval of the Chief Fiscal Officer of the State, is authorized to effect inter-agency and inter-divisional fund transfers for the purpose of providing the State's matching share for payments made to that Division or Office or its service providers for services eligible for federal reimbursement under programs administered by the Department of Health and Human Services. The Department of Health and Human Services shall report to the Legislative Council or Joint Budget Committee on a quarterly basis all fund transfers made in accordance with the

authority granted by this section; and

(c) YOUTH SERVICES - HOUSING AND SEPARATION APPROPRIATION PROVISIONS. The Division of Youth Services (DYS) is authorized to fulfill its responsibility to house offenders between the ages of 18 and 21 and to separate juvenile offenders by age and seriousness of offense by either employing additional state employees and providing the corresponding operating expenses or entering into professional services contracts. If the Division of Youth Services determines that the Division needs to employ state employees to fulfill the housing and separation requirements, they may transfer up to the total amount appropriated for the DYS - Residential Services Program appropriation to the appropriate DYS appropriation and line items, upon approval of the Chief Fiscal Officer of the State, and prior review by the Legislative Council; and

(d) REALLOCATION OF RESOURCES: (1) The Department of Health and Human Services (DHHS) provides hundreds of different services to over 1 million Arkansans. The specific mix of service needs and the funding and staffing required to provide them can vary significantly based on many factors, including natural disasters, changing federal mandates and funding sources, demographic shifts, fluctuating court-ordered services, social trends, and job market variations such as nursing shortages. The impact of these factors through the course of a biennium make it very difficult for the Department to accurately predict the exact needs for funding, appropriation and positions in each of its over 100 different appropriations. To ensure that it can respond quickly to changing client needs and make the most effective use of the resources allocated to it, the Department of Health and Human Services shall be authorized to utilize the reallocation of resource authority to make the proper adjustments to the budgets within the Department. Therefore, upon ~~Upon~~ determination by the Director of the Department of Health and Human Services that a reallocation of resources within the department is necessary for the efficient and effective operation of the department, the director, with approval of the Governor, shall have the authority to request, from the Chief Fiscal Officer of the State, a transfer of positions, appropriations, line item appropriations, and funds within or between existing and newly created divisions, offices, sections, or units of the department. Provided, however, that no transfer of funds or appropriation that provides direct support or matching support for the Arkansas Medicaid Program shall be made to any other fund account or appropriation that does not directly support the Arkansas Medicaid Program. Further, no positions, funds, or appropriation authorized during the ~~2005-2007~~ 2007-2009 biennial budget process for the Division of Children and Family Services compliance with initiatives established under the Angela R. consent decree shall be transferred to any other

division. Nothing in this provision is intended to prevent the one-time transfers of savings in any other program to the Arkansas Medicaid Program, with the exception of the provisions previously cited for the Division of Children and Family Services – Angela R. consent decree. The Division of Developmental Disabilities – Grants to Community Providers line item of the Developmental Disabilities Services - Grants-in-Aid appropriation may not be decreased. The appropriation, funding, and positions provided for the six Human Development Centers shall remain at a level sufficient to ensure quality care for the Centers' residents.—~~If requested by the Division of Child Care and Early Childhood Education (DCCECE), the Division of County Operations shall transfer sufficient general revenue to allow the State to access the full allocation of Federal Funds available through the Matching Category of the Child Care Development Fund. General Revenue Dollars transferred to DCCECE must be used as matching funds to support the Transitional Employment Assistance (TEA) Program and must be eligible to be counted toward the State's Maintenance-of-Effort requirement for the Temporary Assistance for Needy Families (TANF) Block Grant.~~ The exemptions provided in this subsection whereby certain ~~DHS~~ DHHS Programs and Divisions are protected from appropriation, fund, or position transfers are applicable only to the reallocation or transfer authority granted herein, and not by any reductions which are applicable to all state programs.

The Director of the Department of Health and Human Services shall submit any requests for transfers to and must receive approval of the requests for transfers from the Chief Fiscal Officer of the State, the Governor, and the Arkansas Legislative Council prior to the effective date of the transfers. Provided, however, that the Department of Health and Human Services shall be limited to submitting no more than four requests for reallocation of resources transfers during any fiscal year. In each Departmental request no single division will request reallocation for more than one purpose as listed in this section. Transfer authority for unforeseen purposes shall further be limited to no more than 5% of the total appropriation, funding, and positions authorized for the Department. Reallocation of resources transfers may include multiple items but shall be limited to the following purposes:

- i). Medicaid Program
- ii). Facilities and institutions costs, including operational expenses and Construction/Renovation/Equipping expenses
- iii). Departmental grants and contracts
- iv). Court ordered settlements and payments
- v). Payment of administrative expenses, including but not limited to, overtime and other costs of personnel for critical services or functions necessary to carry out the mission of the agency

vi). Restructuring efforts as deemed necessary to comply Compliance with new and/or unanticipated federal or state mandates

vii). Redirecting internal resources, both direct and/or indirect, to meet client needs and services

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Health and Human Services may operate more efficiently if some flexibility is provided to the Department of Health and Human Services authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(2) If it is determined that the requested reallocation of resources transfers should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Health and Human Services. In addition, the Chief Fiscal Officer of the State, together with the Co-Chairpersons of the Legislative Council or Joint Budget Committee, may approve, on an emergency basis, requests for utilization of this Section without prior approval of the Arkansas Legislative Council, with any such actions reported at the next meeting of the Arkansas Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2005-2007~~ through June 30, ~~2007-2009~~."

AND

Insert additional sections immediately following SECTION 19 to read as follows:

" SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SELL, LEASE, RENT, CONVEY OR ENCUMBER RAY WINDER FIELD. In no event shall the Department of Health and Human Services, or any of its governing boards, sell, lease, rent, convey or encumber the land and facilities of Ray Winder Field in Little Rock, Arkansas without the prior review and

approval of the Arkansas Legislative Council or Joint Budget Committee.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NURSING/ DIRECT CARE RECRUITMENT/ RETENTION BONUSES. Special provision to provide Nursing/Direct Care Recruitment and Retention Bonuses for the Department of Health and Human Services is hereby authorized to pay from State and Federal funds appropriated for each respective division. Nursing/direct care service recruitment/retention bonuses are in addition to the maximum annual amounts provided in the Regular Salaries Section of the respective Division Act for Registered Nurse, Licensed Practical Nurse, Certified Nursing Assistant, Life Skills Trainer and Mental Health Worker. New hire nurses must be licensed by the Arkansas State Board of Nursing. The total recruitment/retention bonus payment commitment for eligible nurses shall not exceed \$4,000 per Registered Nurse and \$2,000 per Licensed Practical Nurse and \$1,000 per Certified Nursing Assistant, Life Skills Trainer and Mental Health Worker. The lump sum bonus payments and employment commitment to the State will be made in partial payments as follows:

Registered Nurse Classifications

\$1,000 after completing 6 months probationary employment

\$1,000 after completing 1 year employment

\$1,000 after completing 2nd year employment

\$1,000 after completing 3rd year employment

Licensed Practical Nurse Classifications

\$ 500 after completing 6 months probationary employment

\$ 500 after completing 1 year employment

\$1,000 after completing 2nd year employment

Certified Nursing Assistant/Life Skills Trainer/Mental Health Worker

Classifications

\$ 500 after completing 6 month probationary employment

\$ 500 after completing 1 year employment

Any qualified person hired and offered bonus payment described herein will forfeit the balance of the payments if he/she voluntarily resigns or is terminated for cause from employment from the Department of Health and Human Services prior to completing the required employment commitment time periods outlined above.

The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009."

AND

Appropriately renumber all SECTION numbers of the bill.

/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. 1313** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1313

Amend **HOUSE BILL NO. 1313** as engrossed,
H2/23/07 (version: 02-23-2007 10:17):

Page 2, line 22, delete "29" and substitute "30"

And

Page 3, line 3, delete "108" and substitute "109"

And

Page 3, line 23, delete "\$ 2,495,272 \$ 2,545,652" and substitute
"\$ 2,541,135 \$ 2,592,433"

And

Page 3, line 25, delete "761,936 773,010" and substitute "776,066 787,339"

And

Page 3, line 27, delete "532,893 532,893" and substitute "579,400 578,283"

And

Page 3, line 28, delete "22,751 22,751" and substitute "28,751 28,751"

And

Page 3, line 29, delete "0 0" and substitute "35,000 35,000"

And

Page 3, delete line 32 in its entirety and substitute the following:

"(05) APPRENTICESHIP PROGRAM 1,950,000 1,950,000

(06) MOTOR VEHICLE EDUCATION PROGRAM 2,500 2,500"

And

Page 3, line 33, delete "\$ 5,886,789 \$ 5,948,243" and substitute

"\$ 6,036,789 \$ 6,098,243"

/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. 1375** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1375

Amend **HOUSE BILL NO. 1375** as engrossed,
H3/15/07 (version: 03-15-2007 09:57):

Delete SECTION 12 in its entirety and substitute the following:

" SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, appropriations, and line-item appropriations within or between existing and newly created divisions, offices, sections, or units of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than ~~Four individual transaction transfer~~ four requests, encompassing a single purpose listed in this section, for Reallocation of Resources Transfer requests during any fiscal year per department. Transfer authority ~~for unforeseen purposes~~ shall further be limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, and positions specific to each agency. However, there shall

be no transfers to or from the County Jail Reimbursement Fund. ~~Other than for unforeseen purposes, transfers~~ A Reallocation of Resources Transfer shall be limited to the following specific purposes:

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSITIONAL HOUSING PROGRAM FUNDING REQUIREMENTS. A minimum of one million five hundred thousand (\$1,500,000) dollars each fiscal year shall be expended for Transitional Housing costs associated with inmate and/or parolee placement. In the event that a minimum of one million five hundred thousand (\$1,500,000) dollars can not be expended each fiscal year for Transitional Housing Program costs, the Director of the Department of Community Correction shall notify and seek approval by the Arkansas Legislative Council or

Joint Budget Committee."

AND

Renumber the subsequent sections of the bill.

/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. 1440** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1440

Amend **HOUSE BILL NO. 1440** as engrossed,

H3/5/07 (version: 03-05-2007 14:48):

Delete SECTION 18 in its entirety and substitute the following:

" SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REGULAR SALARIES - CONTINGENT POSITIONS. There is hereby established for the Department of Correction - Contingent Positions for the ~~2005-2007~~ 2007-2009 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code 21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code 21-5-101), or its successor.

CONTINGENT POSITIONS - MEDICAL SERVICES

ITEM NO.	CLASS CODE	TITLE	MAXIMUM NO. OF EMPLOYEES	MAXIMUM ANNUAL SALARY RATE	FISCAL YEARS
					2005-06 2006-07

		<u>2007-08</u>	<u>2008-09</u>
GEN ADMIN – NON-CLASSIFIED POSITIONS			
<u>(01)</u>	<u>CORR PSYCHIATRIST</u>	<u>6</u>	<u>180,000 183,600</u>
(01)	COR CHIEF OF MED SVCS	1	455,304 458,544
<u>(02)</u>			<u>161,714 164,949</u>
(02)	COR CHIEF OF DENTAL SVCS	1	442,296 445,341
<u>(03)</u>			<u>148,247 151,212</u>
(03)	COR CHIEF OF PHARM SVCS	1	400,444 402,864
<u>(04)</u>			<u>104,918 107,016</u>
(04)	COR HEALTH SVCS ADM	1	97,947 100,327
<u>(05)</u>			<u>102,333 104,380</u>
<u>(06)</u>	<u>PHYSICIAN SPECIALIST</u>	<u>5</u>	<u>133,966 136,676</u>
(05)	COR ASST HEALTH SVCS ADM	3	85,024 87,190
<u>(07)</u>			<u>88,933 90,712</u>
(06)	COR CHIEF OF NURSING SVCS	1	88,365 90,594
<u>(08)</u>			<u>92,773 94,628</u>
(07)	COR DIR OF MED RECORDS	1	85,430 87,603
<u>(09)</u>			<u>89,355 91,142</u>
(08)	COR UNIT/FACILITY MED MGR	11	71,282 73,186
<u>(10)</u>			<u>74,649 76,142</u>
(09)	COR UNIT/FACILITY MED SUPV	7	54,308 55,889
<u>(11)</u>			<u>57,006 58,146</u>
(10)	COR MED SVC SPEC	8	72,742 74,674
<u>(12)</u>			<u>76,167 77,690</u>

PATIENT CARE – NON-CLASSIFIED POSITIONS

(11)	6603 COR STAFF PHYSICIAN	17	442,296 445,340
<u>(13)</u>			<u>148,246 151,211</u>
(12)	6601 COR STAFF DENTIST	15	412,446 415,042
<u>(14)</u>			<u>117,342 119,689</u>
(13)	COR STAFF PHARM	3	98,390 100,776
<u>(15)</u>			<u>102,791 104,847</u>
(14)	COR NURSE PRAC/PHYS. ASST	13	72,742 74,674
<u>(16)</u>			<u>76,167 77,690</u>
(15)	COR HEAD NURSE- HOSPITAL	1	78,548 80,590
<u>(17)</u>			<u>82,201 83,845</u>
(16)	COR REGISTERED NURSE SUPV	40	74,711 76,684
<u>(18)</u>		<u>41</u>	<u>78,214 79,778</u>

(17) COR LICENSED PRAC NURSE	172	48,641 50,100
<u>(19)</u>		<u>51,102 52,124</u>
(18) COR LABORATORY SPECIALIST	5	41,841 43,096
<u>(20)</u>		<u>43,957 44,837</u>
(19) COR RADIOLOGY SPECIALIST	5	41,254 42,492
<u>(21)</u>		<u>43,341 44,208</u>

PATIENT CARE - CLASSIFIED POSITIONS

(20) L124 PSYCHOLOGIST	2	GRADE 25
<u>(22)</u>	<u>10</u>	
(23) <u>904Z REHABILITATION PROG.ADMIN.</u>	<u>7</u>	<u>GRADE 22</u>
(24) L122 PSYCH. EXAMINER II	2	GRADE 21
<u>(24)</u>	<u>12</u>	
(22) M088 SOCIAL WORKER II	3	GRADE 20
<u>(25)</u>	<u>10</u>	
(26) <u>M045 COR.REHAB FACILITY SUPER</u>	<u>2</u>	<u>GRADE 20</u>
(27) <u>M086 SOCIAL WORKER I</u>	<u>4</u>	<u>GRADE 19</u>
(23) M107 COR COUNSELOR PRO LDR	7	GRADE 19
<u>(28)</u>	<u>15</u>	
(29) <u>M105 COR COUNSELOR</u>	<u>28</u>	<u>GRADE 18</u>
(24) R010 ADMINISTRATIVE ASST II	4	GRADE 17
<u>(30)</u>		
(25) L026 DENTAL HYGIENIST	8	GRADE 16
<u>(31)</u>		
(26) W015 MEDICAL RECORDS TECH	24	GRADE 15
<u>(32)</u>		
(27) K041 EXECUTIVE SECRETARY	4	GRADE 14
<u>(33)</u>		
(28) K117 MEDICAL SECRETARY	15	GRADE 14
<u>(34)</u>		
(35) <u>K153 SECRETARY II</u>	<u>2</u>	<u>GRADE 13</u>
(29) K155 SECRETARY I	40	GRADE 11
<u>(36)</u>	<u>8</u>	
(30) L025 DENTAL ASST	12	GRADE 11
<u>(37)</u>		

CLASSIFIED NON-PATIENT CARE

(31) ACCTG TECHS	3	GRADE 15
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(32)	PAYROLL OFFICER	2	GRADE 15
(33)	BUYERS	2	GRADE 18
<u>(38)</u>			
(34)	PURCHASING ASSISTANT	1	GRADE 15
<u>(39)</u>			
(35)	ACCOUNTING TECH	4	GRADE 15
<u>(40)</u>		<u>4</u>	
(36)	ACCOUNTANT	1	GRADE 18
<u>(41)</u>			
(37)	PERS TRNG OFF	1	GRADE 18
<u>(42)</u>			
(38)	PERS OFFICER II	1	GRADE 17
<u>(43)</u>			
(39)	PAYROLL OFFICER	4	GRADE 15
<u>(44)</u>	<u>3</u>		
(40)	PC SUPPORT	1	GRADE 18
<u>(45)</u>			
	GRAND TOTAL CONTINGENT EMPLOYEES		414
		<u>497</u>	

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request.

The provisions of this section shall be in effect only from July 1, ~~2005~~2007 through June 30, ~~2007~~2009."

AND

Delete SECTION 25 in its entirety and substitute the following:

" SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REALLOCATION OF RESOURCES. Upon determination by the Board of Corrections that a reallocation of resources within the Department of Community Correction and Department of Correction is necessary for the efficient and effective operation of the departments, the Board, with approval of the Governor and approval by the Arkansas Legislative Council or Joint Budget Committee, shall have the authority to instruct the department directors, to request from the Chief Fiscal Officer of the State, a transfer of positions, programs, funds, appropriations, and line-item appropriations within or between existing and newly created divisions, offices, sections, or units of the departments. If it is determined that the requested transfer should be made, the Chief Fiscal Officer of the State

shall then initiate the necessary transfer documents to reflect the transfers upon the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal Officer of the State, and the Departments of Correction and Community Correction. Provided, however, that the Board shall be limited to submitting no more than ~~Four individual transaction transfer~~ four requests, encompassing a single purpose listed in this section, for Reallocation of Resources Transfer requests during any fiscal year per department. Transfer authority for ~~unforeseen purposes~~ shall further be limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, and positions specific to each agency. However, there shall be no transfers to or from the County Jail Reimbursement Fund. ~~Other than for unforeseen purposes, transfers~~ A Reallocation of Resources Transfer shall be limited to the following specific purposes:

- a) Costs to open and operate temporary beds;
- b) Payment of Debt Service;
- c) Payment of Overtime Expenses;
- d) Unanticipated increases for medical or private prison contracts;
- e) Construction/renovation/equipping of new beds;
- f) Deficits in Farm or Industry Program;
- g) Losses not covered by insurance proceeds;
- h) Costs of personnel for critical services or necessary to carry out the mission of the agency.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Correction and the Department of Community Correction may operate more efficiently if some flexibility is provided to the Board of Corrections authorizing broad powers under the Reallocation of Resources provisions herein. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007 through June 30, ~~2007~~ 2009."

AND

Add a new section immediately following SECTION 43 to read as follows:

" SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NEW OR ADDITIONAL POSITIONS FUNDING RESTRICTION. The Chief Fiscal Officer of the State shall determine the amount of general revenue authorized by the 86th General Assembly to be distributed to the Department of Correction Inmate Care and Custody Fund Account to fund additional Regular Salary positions and Personal Services Matching costs each fiscal year of the 2007-09 biennium over and above the amount of general revenue the Department of Correction budgeted for Regular Salaries and Personal Services Matching costs during the fiscal year ending June 30, 2006. The Chief Fiscal Officer of the State shall cause the amount of general revenue so determined each fiscal year to be set aside within the Department of Correction Inmate Care and Custody Fund Account, and that the amount determined, or any portion thereof, shall not be budgeted or committed for expenditure by the Department of Correction without prior approval from the Arkansas Legislative Council or Joint Budget Committee. From time to time, the Department of Correction may request approval of the Chief Fiscal Officer of the State and the Legislative Council or Joint Budget Committee for release of the amount set aside, or a portion thereof, in the Inmate Care and Custody Fund Account for purposes of budgeting and expenditure. On July 1, of each fiscal year or as soon thereafter as is practical, the Chief Fiscal Officer of the State shall report the amount of general revenue set-aside for funding the additional Regular Salary positions and Personal Services Matching costs within the Inmate Care and Custody Fund Account due to the provisions of this section to the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, then the amount determined to be set aside within the Department of Correction Inmate

Care and Custody Fund Account by the Chief Fiscal Officer of the State each fiscal year due to the provisions of this section shall not be budgeted or committed for expenditure in either fiscal year of the 2007-09 biennium.

The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009."

AND

Renumber each subsequent section accordingly.

/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. 1840** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1840

Amend **HOUSE BILL NO. 1840** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

“ SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas Crime Information Center - Arkansas Real-Time Electronic Logbook for the 2007-2009 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item Class	Maximum Annual	
	Maximum	Salary Rate
No. Code Title	No. of	Fiscal Years
	Employees	2007-2008 2008-2009
(1) R298 AGENCY PROGRAM COORDINATOR	<u> 1 </u>	GRADE 21

MAX. NO. OF EMPLOYEES 1

SECTION 2. APPROPRIATION - ARKANSAS REAL-TIME ELECTRONIC LOGBOOK. There is hereby appropriated, to the Arkansas Crime Information Center, to be payable from the Crime Information System Fund, for operating expenses of the Arkansas Crime Information Center - Arkansas Real-Time Electronic Logbook for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 31,966	\$ 32,605
(02) PERSONAL SERVICES MATCHING	9,589	9,782
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	50,000	50,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	500,000	300,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 591,555</u>	<u>\$ 392,387</u>

AND

Appropriately renumber the subsequent sections

AND

Page 2, line 9 delete "Five Hundred Thousand Dollars (\$500,000)" and substitute "Nine Hundred Thousand Dollars (\$900,000)"

AND

Page 2, line 11 strike "initial"

/s/ Chris Thyer

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. 1901 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1901

Amend HOUSE BILL NO. 1901 as originally introduced:

Page 1, line 11, delete "AND"

AND

Page 1, delete line 12 in its entirety and substitute the following:

"COMPLIANCE AND FINANCING THE SUPPORT AND EXPANSION OF PSYCHIATRIC HEALTH CARE STATEWIDE; AND FOR OTHER PURPOSES."

AND

Page 1 delete line 19 in its entirety and substitute the following:

"PSYCHIATRIC HEALTH CARE SUPPORT"

AND

Page 1, line 25, delete "PROTOCOLS, REPORTS, AND COMPLIANCE." and substitute

"PSYCHIATRIC HEALTH CARE SUPPORT AND EXPANSION."

AND

Page 1, line 27, delete "General Improvement" and substitute "Healthy Century Trust Fund from two million dollars (\$2,000,000) in investment earnings each fiscal year"

AND

Page 1, line 28, delete "Fund or its successor fund or fund accounts"

AND

Page 1, line 31, insert a new subsection to read as follows:

" (B) For the payment of expenses related to constructing, equipping and renovating facilities to support and expand the number of psychiatric beds in health care facilities statewide, the sum of.....\$4,000,000."

AND

Insert an additional SECTION immediately following SECTION 1 to read as follows:

" SECTION 2. Arkansas Code § 19-12-107(e)(1), resulting from Initiated Act 1 of 2000, concerning the purposes for use of moneys in the Arkansas Healthy Century Trust Fund, is amended to read as follows:

(e) The Arkansas Healthy Century Trust Fund shall be held in trust and used for the following purposes, and no other purposes:

(1) investment earnings on the Arkansas Healthy Century Trust Fund may ~~shall~~ be used for:

(A) the payment of expenses related to the responsibilities of the State Board of Finance as set forth in § 19-12-103; and

(B) ~~such programs, and other projects related to health care services, health education, and health-related research as shall, from time to time, be designated in legislation adopted by the General Assembly~~ the payment of up to two million dollars (\$2,000,000) each fiscal year for expenses related to constructing, equipping and renovating facilities to support and expand the number of psychiatric beds in health care facilities statewide."

AND

Appropriately renumber the subsequent SECTIONS of the bill.

/s/ Jim Medley

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. 1902** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1902

Amend **HOUSE BILL NO. 1902** as engrossed,

H3/12/07 (version: 03-12-2007 10:34):

Page 1, line 10 strike "FOR"

AND

Page 1, line 11 strike "GRANTS"

AND

Page 1, line 17 strike "GRANTS"

AND

Page 1, line 22 strike " - GRANTS - ARKANSAS JUDICIAL COUNCIL"

AND

Page 1, line 26 strike "grants for" and substitute "costs associated with"

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative Wood unanimous leave to withdraw **HOUSE BILL NO. 1950**.

The House gave Representative Wood unanimous leave to withdraw **HOUSE BILL NO. 1646**.

The House gave Representative Wood unanimous leave to withdraw **HOUSE BILL NO. 2541**. Recommended Committee study by the Education Committee - House.

ENGROSSED BILL REPORTS

BENNY C. PETRUS, CHAIRMAN

March 16, 2007

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1097	BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 1292	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1313	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1324	BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 1375	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1422	BY REPRESENTATIVE SUMPTER
HOUSE BILL NO. 1440	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1517	BY REPRESENTATIVE COOK, ET AL
HOUSE BILL NO. 1830	BY REPRESENTATIVE WELLS, ET AL
HOUSE BILL NO. 1840	BY REPRESENTATIVE THYER
HOUSE BILL NO. 1901 - TITLE -	BY REPRESENTATIVE MEDLEY
HOUSE BILL NO. 1902 - TITLE -	BY REPRESENTATIVE MEDLEY
HOUSE BILL NO. 2249	BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 2255	BY REPRESENTATIVE COOK
HOUSE BILL NO. 2288	BY REPRESENTATIVE PYLE, ET AL
HOUSE BILL NO. 2295	BY REPRESENTATIVE GARNER
HOUSE BILL NO. 2309	BY REPRESENTATIVE ALLEN
HOUSE BILL NO. 2316	BY REPRESENTATIVE REEP
HOUSE BILL NO. 2334	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 2364	BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 2426	BY REPRESENTATIVE COOK
HOUSE BILL NO. 2442 - TITLE -	BY REPRESENTATIVE MALOCH, ET AL
HOUSE BILL NO. 2456	BY REPRESENTATIVE BERRY
HOUSE BILL NO. 2487	BY REPRESENTATIVE BOND
HOUSE BILL NO. 2559	BY REPRESENTATIVE CHESTERFIELD
HOUSE BILL NO. 2586 - TITLE -	BY REPRESENTATIVE PACE, ET AL
HOUSE BILL NO. 2612	BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 2626	BY REPRESENTATIVE SAMPLE
HOUSE BILL NO. 2632	BY REPRESENTATIVE WALTERS
HOUSE BILL NO. 2645	BY REPRESENTATIVE ADCOCK
HOUSE BILL NO. 2658 - TITLE -	BY REPRESENTATIVE D. JOHNSON, ET AL
HOUSE BILL NO. 2665	BY REPRESENTATIVE GARNER, ET AL
HOUSE BILL NO. 2674	BY REPRESENTATIVE ANDERSON

ENGROSSED BILL REPORTS, CONTINUED

HOUSE BILL NO. 2718 - TITLE - BY REPRESENTATIVE KEY
HOUSE BILL NO. 2719 BY REPRESENTATIVE KEY
HOUSE BILL NO. 2775 BY REPRESENTATIVE RAINEY
HOUSE BILL NO. 2792 BY REPRESENTATIVE J. ROEBUCK, ET AL
HOUSE BILL NO. 2793 BY REPRESENTATIVE E. BROWN
SENATE BILL NO. 89 BY SENATOR J. TAYLOR
SENATE BILL NO. 805 - TITLE - BY SENATOR T. SMITH

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1901

BY: REPRESENTATIVE MEDLEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH FOR PROTOCOLS, REPORTS, COMPLIANCE AND FINANCING THE SUPPORT AND EXPANSION OF PSYCHIATRIC HEALTH CARE STATEWIDE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1902

BY: REPRESENTATIVE MEDLEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSTIY OF ARKANSAS – CRIMINAL JUSTICE INSTITUTE FOR LAW ENFORCEMENT TRAINING; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2442

BY: REPRESENTATIVES MALOCH, *REEP, LOWERY*

BY: *SENATORS MALONE, G. JEFFRESS, J. JEFFRESS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DEVELOP AN ENERGY UTILIZATION STRATEGY FOR LIGNITE PRODUCTION AND USE; TO CREATE THE ARKANSAS LIGNITE RESOURCES PILOT PROGRAM; TO REDUCE OUR DEPENDENCY ON FOREIGN OIL FOR THE CREATION OF ELECTRICITY AND OTHER ENERGY SOURCES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2586

BY: REPRESENTATIVES PACE, *BERRY, BLOUNT, COOK, GLIDEWELL, HARDY, J. JOHNSON, PATTERSON, RAINEY, SCHULTE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DISSOLVE AND TRANSFER THE DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE CHIEF INFORMATION OFFICER, CHIEF INFORMATION OFFICER, AND OFFICE OF INFORMATION TECHNOLOGY; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2658

BY: REPRESENTATIVES D. JOHNSON, *ALLEN, CHESTERFIELD, GREENBERG, W. LEWELLEN, ROSENBAUM, WEBB*

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE AN ELECTION IN A MUNICIPALITY WITH A CITY MANAGER FORM OF GOVERNMENT TO INCREASE THE AUTHORITY OF THE MAYOR; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2718

BY: REPRESENTATIVE KEY

A BILL FOR AN ACT TO BE ENTITLED *AN ACT CONCERNING PROPERTY TAXES ON PROPERTY OWNED BY A MARINA AND OPERATED UNDER A LEASE AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS; AND FOR OTHER PURPOSES.*

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 805

BY: SENATOR T. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURES CONCERNING THE NONCONSENSUAL TOWING OF A VEHICLE; AND FOR OTHER PURPOSES.

HOUSE RESOLUTION NO. 1029

BY: REPRESENTATIVE STEWART

COMMENDING TROY BUCK ON HIS INDUCTION INTO THE ARKANSAS AGRICULTURAL HALL OF FAME.

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

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1002

BY: REPRESENTATIVE OVERBEY

IN RESPECTFUL MEMORY OF MR. JACK DOLAN CECIL AND IN RECOGNITION OF HIS CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 4

BY: SENATOR BISBEE

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.

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

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 1

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED IN RESPECTFUL MEMORY OF DR. JERRY DONAL JEWELL AND IN RECOGNITION OF HIS MANY CONTRIBUTIONS TO THE STATE OF ARKANSAS AND HIS LOCAL COMMUNITY.

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

SENATE CONCURRENT RESOLUTION NO. 13

BY: SENATOR WILKINSON

A BILL FOR AN ACT TO BE ENTITLED COMMENDING THE CHARLES E. OSBORN AGENCY, INC., OF GREENWOOD, ARKANSAS, ON CELEBRATING ONE HUNDRED (100) YEARS IN THE INSURANCE BUSINESS.

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

Upon motion of Representative Harrelson, **SENATE BILL NO. 89** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 89

Amend **SENATE BILL NO. 89** as engrossed,

S2/13/07 (version: 02-13-2007 09:17):

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

"enforcement officer.

(e)(1) Subject to the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, the officers of the Supreme Court Police may offer and provide training for court security officers as required by this section.

(2) In addition to the general powers of a specialized law enforcement officer, Supreme Court Police officers may, in the course of their official duties, provide security for members of the Supreme Court or the Court of Appeals when either court shall convene for the purpose of considering oral arguments or conferencing in any location within the State of Arkansas, including the authority to act as a peace officer to arrest, with or without warrant, any person within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense against any laws of the State of Arkansas or against the ordinances of the city in which the Supreme Court or Court of Appeals is convened,

and to deliver the person before any court of competent jurisdiction to be dealt with according to law."

/s/ Steve Harrelson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Saunders, **SENATE BILL NO. 805** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 805

Amend **SENATE BILL NO. 805** as originally introduced:

Delete the subtitle in its entirety and substitute:

"TO CLARIFY THE PROCEDURES CONCERNING THE
NONCONSENSUAL TOWING OF A VEHICLE."

AND

Page 6, line 22, delete "accessed" and substitute "assessed"

AND

Page 6, delete line 28 through 36.

AND

Page 7, delete lines 1 through 6.

AND

Page 7, line 8, delete "SECTION 8." and substitute "SECTION 7."

AND

Page 7, line 23, delete "SECTION 9." and substitute "SECTION 8."

AND

Page 8, line 9, delete "SECTION 10." and substitute "SECTION 9."

/s/ Rick Saunders

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Cook, **HOUSE BILL NO. 1517** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1517

Amend **HOUSE BILL NO. 1517** as engrossed,

H3/2/07 (version: 03-02-2007 09:39):

Page 2, line 1, delete "benchmark tests" and substitute "tests assessments"

AND

Page 2, line 2, delete "include"

AND

Page 2, delete lines 6 through 36 and substitute the following:

"(1) Be based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap evidenced in the Arkansas Comprehensive Testing, Assessment, and Accountability Program; and

(2) Include the public school or school district's use of categorical funding for:

(A) Alternative learning environments;

(B) Professional development;

(C) English-language learners; and

(D) National school lunch students, as defined by § 6-20-2303(12)(A).

(g) Any public school or school district classified as in school improvement under § 6-15-425 shall develop and file with the department a revised comprehensive school improvement plan meeting the requirements of this section and containing any additional requirements determined necessary by the department to ensure that all students in the public school or school district have an opportunity to demonstrate proficiency on all portions of the state-mandated assessments.

(h)(1) At the end of each school year, the school district shall assess the effectiveness of an intervention or other action included in the comprehensive school improvement plan in improving student performance and include the assessment in the comprehensive school improvement plan for the following school year.

(i)(1) The department shall monitor each public school's and school district's compliance regarding its comprehensive school improvement plan, including without limitation:

(A) The use of public school funding under the Public School Funding Act of 2003, § 6-20-2301 et seq. for the following:

(i) Instructional facilitators, as that term is defined by the State Board of Education;

(ii) Alternative learning environments, professional development, English-language learners, and national school lunch students identifying specific:

(a) Educational strategies;

(b) Resources used, including tutors, teachers' aides, counselors, social workers, and nurses; and

(c) Expenditures made from categorical funds provided under § 6-20-2305(b); and

(B) The implementation of programs for students whose academic achievement is below proficient; and

(2) As part of the monitoring process under this subsection (i), the department shall evaluate the research cited by the public school or school district in its comprehensive school improvement plan in support of the proposed interventions and actions to assess its independence and empirical support for the effectiveness of the program.

(3) The department shall use the information obtained through monitoring comprehensive school improvement plans under this section to:

(A) Determine the compliance of the public school or school district with the provisions of this subchapter; and

(B) Evaluate whether the assessment conducted by the public school or school district under subsection (h) of this section was conducted properly, and assess the areas in which the public school or school district needs to revise its plan."

AND

Page 3, delete lines 1 through 36

AND

Page 4, delete lines 1 through 6

AND

Delete SECTION 3 in its entirety

AND

Appropriately renumber the remaining sections of the bill

/s/ David Cook

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cook, **HOUSE BILL NO. 2426** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2426

Amend **HOUSE BILL NO. 2426** as engrossed,

H3/14/07 (version: 03-14-2007 09:20):

Delete everything after the enacting clause and substitute the following:

SECTION 1. FINDINGS. The General Assembly finds that:

(1) The General Assembly adopted Acts 34 and 35 of the First Extraordinary Session of 2006 to determine whether school districts were unable to contribute local resources necessary to qualify for participation in state-funded facilities programs;

(2) School districts with insufficient bonding capacity were accommodated by the passage of Acts 22 and 23 of the First Extraordinary Session of 2006, which removed the bonded debt ratio, thus removing the cap on bond issuance;

(3) School districts with declining enrollment were addressed by Act 2206 of 2005 by allowing a three-year average to be used in determining the school district's facilities wealth index and by Act 21 of the First Extraordinary Session of 2006, which provided additional funding for declining enrollment based on the previous two (2) years' average daily membership. No evidence was presented during the hearings held in 2006 pursuant to Act 57 of any school district suffering from a problem related to this;

(4) The General Assembly researched a school district with a low assessed property valuation and a low facilities wealth index and determined that it is treated the same as a school district with high property valuation and a high facilities wealth index. The research indicated, for example, that Poyen is required to use the same amount of mills to build facilities for ten percent (10%) of its students as Bryant, which is in the middle, and as Bentonville, which is on top. No evidence was presented during the hearings held in 2006 pursuant to Act 57 of any school district suffering from a problem related to this; and

(5) School districts at or above the 95th percentile are addressed through SB962 of the 86th General Assembly. It provides that every school district at 100% of the facilities wealth index or above is adjusted to the same amount as the first district below one hundred percent (100%) on the facilities wealth index, unless that would exceed five thousandths (.005). In that case, the amount is capped at five thousandths (.005). No evidence was presented during the hearings held in 2006 pursuant to Act 57 of any school district suffering from a problem related to

this.

SECTION 2. Arkansas Code § 6-21-811 is amended to read as follows:

6-21-811. Academic Facilities Distress Program.

(a) As used in this section, "safe, dry, and healthy" means improvements that are required for a public school academic facility to:

(i) Be in good and acceptable condition;

(ii) Provide a safe and comfortable environment for the public school academic facility's inhabitants; and

(iii) Maintain the integrity of the academic facility envelope.

~~(a)~~(b) The Division of Public School Academic Facilities and Transportation shall identify a public school or school district as being in academic facilities distress if the division determines that the public school or school district has engaged in actions or inactions that result in any of the following:

(1) Any act or violation determined by the division to jeopardize any academic facility used by a public school or school district, including, but not limited to:

(A) Material failure to properly maintain academic facilities in accordance with this subchapter and rules adopted by the Commission for Arkansas Public School Academic Facilities and Transportation;

(B) Material violation of local, state, or federal fire, health, or safety code provisions or laws;

(C) Material violation of applicable building code provisions or law;

(D) Material failure to provide timely and accurate facilities master plans to the division;

(E) Material failure to comply with state law governing purchasing or bid requirements in relation to academic facilities projects; ~~or~~

(F) Material default on any school district debt obligation; or

(G) Material failure to progress according to the school district's facilities master plan; and

(2) Any other condition of an academic facility or facilities in a public school or school district that is determined by the division to have a detrimental impact on educational services provided by that public school or school district.

(c)(1) Every two (2) years beginning February 1, 2008, the division shall determine whether the progress of each school district complies with the school district's facilities master plan and shall notify the school district of any noncompliance.

(2) The division shall annually review the applications made for the Academic Facilities Partnership Program established under § 6-20-2507, to identify any school district that did not apply for state funding for necessary facilities to meet adequacy requirements of safe, dry, and healthy, suitability, and growth and shall notify the school district of any deficiencies.

(3) Within thirty (30) days of receiving the notice provided under subdivision (c)(1) or (2) of this section, the school district shall submit a facilities improvement plan to the division for its review and approval that states how the school district will address the noncompliance issues contained in the notice.

(4) If the division does not approve the facilities improvement plan submitted by the school district, it shall identify the school district as being in facilities distress.

(5) A school district may appeal the decision of the division under this subsection (c) to the commission pursuant to the procedures established by the commission;

(d)(1)(A) Within ten (10) days of a school district's failure to pass a millage required to fulfill its obligations under the school district's facilities master plan, the division shall provide written notice to the school district of the date, time, and place for a conference with the school district at which the division will:

(i) Determine whether as a result of the failed millage there are facilities issues relating to:

(a) Safe, dry, and healthy public school academic facilities;

(b) The presence and number of suitability needs of public school academic facilities; or

(c) Immediate need for academic facilities to meet student growth; and

(ii) Thoroughly discuss and explain the sanctions and requirements that are available to the commission if the school district is identified as being in facilities distress under this section and § 6-21-812.

(B) The written notice shall be provided via certified mail to the president of the school board and the superintendent of the school district.

(C) The commission shall establish rules for the implementation of this subdivision (d)(1).

(2)(A) If the commission determines that there are safe, dry, and healthy, growth, or suitability issues, the commission may direct the school district to conduct a special election to vote on a millage increase.

(B)(i) The division and the school district shall agree upon the

issues to be submitted for a vote in the special election.

(ii) The special election may not include any issues other than the issues that are mutually agreed upon.

(C) The special election shall be held on a date that is:

(i) Mutually agreed upon by the division and the school district; and

(ii) Not later than seven (7) months from the date of the election at which the millage failed, unless it is necessary to extend the date beyond seven (7) months because of restrictions on the number of elections that may be held within a calendar year.

(D) If within ninety (90) days from the notice provided to the school district under subdivision (d)(1)(A) the school district has not set an election date, the division shall identify the school district as being in facilities distress.

(E)(i) If the school district is able to finance the safe, dry, and healthy, growth, and suitability improvements without the necessity of a special election on increasing its millage, the school district may enter into an agreement with the division to fund its safe, dry, and healthy, growth, and suitability improvements separately, which shall include an implementation timeframe.

(ii) The division shall identify the school district as being in facilities distress for failure to implement the agreed upon plan for safe, dry, and healthy, growth, and suitability improvements within the timeframe specified in the agreement.

~~(b)~~(e) The division shall provide written notice, via certified mail, return receipt requested, to the president of the school board and the superintendent of the public school or school district identified as being in facilities distress.

~~(e)(1)~~(f)(1) A public school or school district identified as being in facilities distress shall develop a facilities improvement plan within thirty (30) days from the date of receipt of the notice and promptly submit the facilities improvement plan to the division for review and approval.

(2) A public school or school district shall review and revise its facilities improvement plan on a periodic basis as determined by the division and submit the updated facilities improvement plan to the division in order for the division to determine whether the public school or school district is correcting its deficient areas of practice regarding academic facilities.

(3) A school district shall use facilities improvement plans as necessary to supplement and update its facilities master plan.

~~(d)~~(g) When a school district is identified by the ~~division~~ commission to be in facilities distress, the division may with the approval of the commission:

(1)(A) Provide on-site technical evaluation and assistance and make recommendations to the district superintendent regarding the care and maintenance of any academic facility in the district.

(B) Any school district identified as being in facilities distress status shall accept on-site technical evaluation and assistance from the division.

(C) The recommendations of the division are binding on the district, the superintendent, and the school board;

(2) Require the superintendent to relinquish all administrative authority with respect to the school district;

(3)(A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Director of the ~~Division of Public School Academic Facilities and Transportation~~ Commissioner of Education, or his designee.

(B) The division may direct the school district to compensate from school district funds the individual appointed to operate the school district;

(4) Suspend or remove any or all members of the current board of directors and call for the election of a new school board for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(5) Require the school district to operate without a local school board under the supervision of the local superintendent ~~or an individual or panel appointed by the director;~~

(6) Require the school district to operate without a local school board under the supervision of an individual or panel appointed by the commissioner.

~~(6)(7)~~ Return the administration of the school district to the former board or place the administration of the school district in a newly elected school board;

~~(7)(8)~~ Require school district staff and employees to attend training in areas of concern for the public school or school district;

~~(8)(A)(9)(A)~~ Require a school district to cease ~~immediately~~ all expenditures related to activities not described as part of an adequate education in § 6-20-2302 and place money that would have been spent on the activities into an academic facilities escrow account to be released only upon approval by the division for use in conjunction with a local academic facilities project.

(B) School districts shall include a clause addressing this contingency in all contracts with personnel who are involved with activities not described as part of an adequate education;

~~(9)(10)~~ Notify the public school or school district in writing that the

deficiencies regarding academic facilities shall be corrected within a time period designated by the division;

~~(10)(A)~~(11)(A) Petition the ~~state board~~ State Board of Education at any time for the consolidation, annexation, or reconstitution of a school district in facilities distress or take other appropriate action as allowed by this subchapter in order to secure and protect the best interest of the educational resources of the state or to provide for the best interest of students in the school district.

(B) The state board may approve the petition or take other appropriate action as allowed by this subchapter.

~~(C)(i)~~ The state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within two (2) consecutive school years of receipt of notice of identification of facilities distress status by the division;

~~(ii)(a)~~ A school district may appeal the action of the state board to the Commission for Public School Academic Facilities and Transportation in accordance with procedures developed by the state board.

~~(b)~~ The commission may reverse the action of the state board if the commission finds that the school district could not remove itself from facilities distress due to impossibility caused by external forces beyond the school district's control; and

(12) Correct the failure of a school district to complete its agreed plan or to pass the millage in the special election under subdivision (d)(2) of this section by contracting for and completing the necessary improvements under the agreed plan;

(13)(A) If the division recommends and the commission concurs that the academic facilities in the public school district in facilities distress are inadequate to provide an adequate education, the state board may dissolve the district and transfer students to public schools in other public school districts.

(B) The state board shall assign the public school district's territory, property, and debt;
and

~~(14)~~(14) Take any other action allowed by law that is deemed necessary to assist a public school or school district in removing criteria of facilities distress.

~~(e)~~(h) No school district identified by the division as being in facilities distress may incur any debt without the prior written approval of the commission.

~~(f)~~(i) A public school or school district in facilities distress may petition the commission for removal from facilities distress status only after the division has

certified in writing that the public school or school district has corrected all criteria for being classified as in facilities distress and has complied with all division recommendations and requirements for removal from facilities distress.

~~(g)~~(j) The division shall submit a written evaluation on the status of each school district in facilities distress to the commission and the state board at least one (1) time every six (6) months.

(k)(1)(A) If a school district is identified as being in facilities distress and has safe, dry, and healthy, growth, or suitability improvement issues, the division, in addition to any other remedy under this section and § 6-21-812, may provide a loan to the school district to be repaid from any funds available that are not required to provide an adequate education.

(B) Funds available that are not required to provide an adequate education include:

(i)(a) Fund balances and any cash on hand that are not part of foundation funding or categorical funding under § 6-20-2305 and are not otherwise required to provide an adequate education for students in the public school district; and

(b) Revenues that are not obligated on bonds;

(ii) Funds remaining after the annual payment on a bond obligation are included in funds that are not required to provide an adequate education.

(2) The public school district shall repay the loan on the schedule determined by the division.

(l) The commission in conjunction with the Academic Facilities Oversight Committee is requested to:

(1) Reexamine the role and function of the State Facility Assessment of 2004;

(2) Assess the progress made by the state in the mandates of the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, No. 01-836; and

(3) Make needed changes in the implementation of the academic facilities distress program by modifying the commission's rules.

SECTION 3. NOT TO BE CODIFIED. The document attached hereto titled "Arkansas Department of Education, Analysis of the Academic Facilities Wealth Index for Providing Facilities for 10% of a District's ADM", dated March 8, 2007, is specifically adopted by the House Education Committee and the Senate Education

Committee and recommended to the General Assembly and shall be filed in the journals of the House and Senate."

/s/ David Cook

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

/s/ Ms. Jo Renshaw
Chief Clerk

Representative Walters moved to re-refer **HOUSE BILL NO. 2620** back to the Committee on Insurance and Commerce. Motion carried.

Morning Hour Expired.

Representative Thyer moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1061

Amend **HOUSE BILL NO. 1061** as originally introduced:

Add a new section immediately following Section 1 to read as follows:

“SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LIMITATIONS AND REPORTING. Disbursement of funds authorized by this act shall be subject to the following limitations:

- (1) No part of these funds shall be used to coerce, influence, or provide incentive to local school districts to select or deselect a Medicaid provider;
- (2) The Department of Education shall report annually to the House and Senate Public Health, Welfare and Labor Committees that the funds are not being used in a manner prohibited by this act and how they are being expended;
- (3) If any part of this section requires the state plan for the Arkansas Medicaid Administrative Claiming Program to be renegotiated with the federal Centers for Medicare and Medicaid Services or would cause in any way the loss of federal funds, this section shall be declared void and be severed from this Act.”

And

Appropriately renumber subsequent sections of the bill.

/s/ Shawn Womack

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Abernathy, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, J. Brown, Burkes, Burris, Cheatham, Chesterfield, Cook, Cooper, L. Cowling, D. Creekmore, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, 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, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adcock, E. Brown, Cornwell, Davenport, Hardy, Pickett, Ragland, Walters, Mr. Speaker.

Total9

VOTING PRESENT: Cash.

Total1

Total number of votes cast.....91

Total number voting in the affirmative90

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE BILL NO. 1599

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, 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, Harrelson, 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, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adcock, Kenney, Pace, Ragland, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

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 **HOUSE BILL NO. 1599**, 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, 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, Harrelson, 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, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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.

Total	95
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Adcock, Kenney, Pace, Ragland, Mr. Speaker.	
Total	5
VOTING PRESENT:	
Total	0
Total number of votes cast.....	95
Total number voting in the affirmative	95
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1866

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, Allen, Anderson, T. Baker, Berry, Blount, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, 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, 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.

Total95

NEGATIVE: L. Cowling.

Total1

ABSENT OR NOT VOTING: Adcock, Hardy, Ragland, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

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 **HOUSE BILL NO. 1866**, 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, Bond, T. Bradford, Breedlove, E. Brown, J. Brown, Burkes, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, 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, 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.

Total95

NEGATIVE: L. Cowling.

Total1

ABSENT OR NOT VOTING: Adcock, Hardy, Ragland, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Representative Thyer moved to re-refer **SENATE BILL NO. 255** back to the Joint Budget Committee. Motion carried.

Representative Lowery moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2218

Amend **HOUSE BILL NO. 2218** as originally introduced:

Page 1, delete lines 29 and 30, and substitute the following:

“SECTION 1. Arkansas Code § 26-51-409 (a) and (b), concerning Subchapter S of the Internal Revenue Code of 1986, is amended to read as follows:”

AND

Page 2, delete lines 7 through 19 and substitute the following:

“(3) When filing an Arkansas Subchapter S income tax return, a corporation shall attach to its Arkansas Subchapter S income tax return a complete copy of the corporations’ federal Subchapter S income tax return filed with the federal Internal Revenue Service for that taxable year.”

/s/ John Paul Capps

The Amendment was read and 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, Harrelson, Harris, Hawkins, House, Hoyt, 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, 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: D. Hutchinson, Lamoureux, Ragland, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative T. Baker moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1180

Amend HOUSE BILL NO. 1180 as originally introduced:

Add Representatives Adcock, Allen, Blount, E. Brown, Chesterfield, Dobbins, Greenberg, Hall, D. Johnson, Reep, Reynolds, and Webb as cosponsors of the bill
AND

Add Senator Trusty as cosponsor of the bill

/s/ Sharon Trusty

The Amendment was read and 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, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, 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, 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.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Davis, D. Hutchinson, Lamoureux, Ragland, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 2320

BY: REPRESENTATIVE MOORE

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, 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, 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, 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, Burkes, Ragland, 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.

HOUSE BILL NO. 2417

BY: REPRESENTATIVE PATTERSON

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, L. Cowling, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Rainey, Reep, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total89

NEGATIVE: Cooper, Key, Pyle.

Total3

ABSENT OR NOT VOTING: D. Creekmore, Everett, Garner, Maloch, Maxwell, Ragland, Reynolds, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative.....89

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

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

HOUSE BILL NO. 2302

BY: REPRESENTATIVE PACE

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, T. Bradford, Breedlove, E. Brown, Burkes, Burris, Cash, Chesterfield, Cook, Cornwell, L. Cowling, Davenport, Davis, Dickinson, S. Dobbins, Dunn, L. Evans, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Harris, Hawkins, House, D. Hutchinson, Jeffrey, D. Johnson, Kenney, Key, King, Lamoureux, W. Lewellen, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Schulte, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Walters, Wells, Woods, Wyatt.

Total67

NEGATIVE: Bond, Edwards, D. Evans, Everett, Hall, Hoyt, Hyde, J. Johnson, Kidd, Lovell, Patterson, Pennartz, Pickett, Pierce, Powers, Sample, Saunders, Shelby, Webb, Wills.

Total20

ABSENT OR NOT VOTING: J. Brown, Cheatham, Cooper, D. Creekmore, Garner, Hardy, Harrelson, Maloch, S. Prater, Ragland, Wood, Mr. Speaker.

Total12

VOTING PRESENT: Wagner.

Total1

Total number of votes cast88

Total number voting in the affirmative67

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

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

Upon motion of Representative Pace the Clincher motion prevailed.

HOUSE BILL NO. 2371

BY: REPRESENTATIVE KING

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, E. Brown, Burkes, Cash, Cheatham, Cook, Cooper, Cornwell, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, Edwards, D. Evans, Everett, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Harris, House, D. Hutchinson, Hyde, Jeffrey, Kenney, Key, King, Lamoureux, Lovell, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Pennartz, Powers, S. Prater, Pyle, Reynolds, J. Roebuck, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Wagner, Walters, Wells, Wills, Wood, Woods, Wyatt.

Total69

NEGATIVE: Adcock, Breedlove, J. Brown, Burris, L. Cowling, Hardy, Harrelson, D. Johnson, J. Johnson, Kidd, Patterson, Pickett, Reep, L. Smith, Sumpter, Thyer.

Total16

ABSENT OR NOT VOTING: L. Evans, Garner, Hawkins, Hoyt, W. Lewellen, Lowery, Maloch, Pierce, Ragland, Rogers, Webb, Mr. Speaker.

Total12

VOTING PRESENT: Chesterfield, Flowers, Rainey.

Total3

Total number of votes cast88

Total number voting in the affirmative.....69

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

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

Upon motion of Representative King the Clincher motion prevailed.

HOUSE BILL NO. 2490

BY: REPRESENTATIVE J. JOHNSON

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, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, 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, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Edwards, Hardy, Pyle, Ragland, Saunders, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

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.

HOUSE BILL NO. 2763

BY: REPRESENTATIVE SAUNDERS

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, 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, 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, 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.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adcock, Hall, Pyle, Ragland, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative.....95

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

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

HOUSE BILL NO. 1636

BY: REPRESENTATIVE BOND

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, Breedlove, Burris, Cash, Cook, D. Creekmore, Davis, Dickinson, S. Dobbins, Edwards, D. Evans, L. Evans, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, Lamoureux, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Shelby, L. Smith, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total71

NEGATIVE: T. Baker, E. Brown, Cooper, Cornwell, Davenport, Dunn, Everett, Flowers, Gaskill, Hardy, King, W. Lewellen, Pate, Rainey, Sullivan.

Total15

ABSENT OR NOT VOTING: T. Bradford, J. Brown, Burkes, Cheatham, Chesterfield, L. Cowling, Garner, Kenney, Ragland, Sample, Schulte, Stewart, Mr. Speaker.

Total13

VOTING PRESENT: Sumpter.

Total1

Total number of votes cast87

Total number voting in the affirmative71

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

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

HOUSE BILL NO. 2416

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, 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, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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.

Total93

NEGATIVE: Hardy.

Total1

ABSENT OR NOT VOTING: Chesterfield, Kenney, Lowery, Ragland, Mr. Speaker.

Total5

VOTING PRESENT: T. Baker.

Total1

Total number of votes cast95

Total number voting in the affirmative.....93

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

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

Representative Rogers moved for immediate consideration of **HOUSE BILL NO. 2353**. Motion failed.

HOUSE BILL NO. 2353

BY: REPRESENTATIVE GREENBERG

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, E. Brown, Burkes, Cash, Cheatham, Chesterfield, Cook, Davis, Dickinson, Dunn, Edwards, D. Evans, L. Evans, Everett, Gaskill, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harris, Hawkins, House, Hoyt, D. Hutchinson, Jeffrey, D. Johnson, Key, King, Lamoureux, W. Lewellen, Lovell, M. Martin, Maxwell, Moore, Overbey, Pace, Pate, S. Prater, Pyle, Rainey, Reynolds, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Thyer, Wagner, Walters, Wells, Wills, Wood, Woods, Wyatt.

Total66

NEGATIVE: Adcock, Breedlove, J. Brown, Burris, Cooper, L. Cowling, D. Creekmore, S. Dobbins, Flowers, Harrelson, Hyde, J. Johnson, Kidd, Lowery, Maloch, Pickett, Pierce, Powers, Reep, J. Roebuck, L. Smith, Sumpter, Webb.

Total23

ABSENT OR NOT VOTING: Cornwell, Davenport, Garner, George, Kenney, Norton, Patterson, Pennartz, Ragland, Mr. Speaker.

Total10

VOTING PRESENT: Medley.

Total1

Total number of votes cast90

Total number voting in the affirmative66

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

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

Upon motion of Representative E. Brown the Clincher motion prevailed.

HOUSE BILL NO. 2448

BY: REPRESENTATIVE HARRIS

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, Davis, Dickinson, S. Dobbins, Dunn, L. Evans, Everett, Flowers, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, D. Hutchinson, Hyde, Jeffrey, J. Johnson, Key, Kidd, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Davenport, Edwards, D. Evans, Glidewell, Hoyt, D. Johnson, Kenney, King, Norton, Ragland, Reep, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative.....88

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

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

HOUSE BILL NO. 2562

BY: REPRESENTATIVE KEY

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, 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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Kenney, Kidd, King, Ragland, Sample, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

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.

HOUSE BILL NO. 1531

BY: REPRESENTATIVE HARRELSON

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, 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, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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:

Total0

ABSENT OR NOT VOTING: Adcock, E. Brown, Chesterfield, D. Hutchinson, Kenney, Kidd, King, Ragland, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative.....91

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

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

HOUSE BILL NO. 2621

BY: REPRESENTATIVE ROGERS

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, T. Bradford, Breedlove, 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, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adcock, Bond, E. Brown, Burkes, Garner, King, Ragland, Stewart, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

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. 2742

BY: REPRESENTATIVE BREEDLOVE

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, 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, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total90

NEGATIVE: Flowers, Maxwell.

Total2

ABSENT OR NOT VOTING: Adcock, Anderson, Hyde, Jeffrey, King, Ragland, Stewart, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative.....90

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

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

HOUSE BILL NO. 2420

BY: REPRESENTATIVE PETRUS

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, E. Brown, Burris, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, D. Creekmore, Davis, Dickinson, S. Dobbins, Dunn, Edwards, L. Evans, Everett, Flowers, Gaskill, Glidewell, Greenberg, Hall, Hardwick, Harrelson, Harris, Hawkins, Hoyt, Hyde, Jeffrey, D. Johnson, J. Johnson, Kidd, King, Lamoureux, Lovell, Lowery, Maloch, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Patterson, Pennartz, Pierce, S. Prater, Pyle, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total76

NEGATIVE: Berry, Cash, Davenport, R. Green, House, Powers, Rainey, Sample.

Total8

ABSENT OR NOT VOTING: Breedlove, J. Brown, Burkes, D. Evans, Garner, George, Hardy, D. Hutchinson, Kenney, W. Lewellen, Pace, Pate, Pickett, Ragland, Mr. Speaker.

Total15

VOTING PRESENT: Key.

Total1

Total number of votes cast85

Total number voting in the affirmative76

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

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

Upon motion of Representative Lovell the Clincher motion prevailed.

HOUSE BILL NO. 1828

BY: REPRESENTATIVE HARRELSON

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, 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, 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.

Total	98
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Ragland, Mr. Speaker.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	98
Total number voting in the affirmative.....	98
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 1746

BY: REPRESENTATIVE J. JOHNSON

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, 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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Baker, T. Bradford, Kenney, Maloch, Pace, Ragland, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

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.

HOUSE BILL NO. 2361

BY: REPRESENTATIVE REYNOLDS

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, Dunn, Edwards, D. Evans, L. Evans, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Patterson, Pennartz, Pierce, Powers, S. Prater, Pyle, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total84

NEGATIVE: Jeffrey, Pace, Reep, L. Smith.

Total4

ABSENT OR NOT VOTING: Burkes, S. Dobbins, Hall, Hardy, D. Johnson, Kenney, Maloch, Pate, Pickett, Ragland, Sumpter, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative.....84

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

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

HOUSE BILL NO. 1163

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, 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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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: Blount, Hardy, Kenney, Maloch, Ragland, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

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

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

HOUSE BILL NO. 1631

BY: REPRESENTATIVE WILLS

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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Kenney, Lowery, Maloch, Ragland, Sumpter, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative.....94

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

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

HOUSE BILL NO. 2551

BY: REPRESENTATIVE D. JOHNSON

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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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: Kenney, Maloch, Ragland, 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.

HOUSE BILL NO. 2657

BY: REPRESENTATIVE D. JOHNSON

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, Anderson, T. Baker, Blount, Bond, Breedlove, E. Brown, J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, 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, Harrelson, 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, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, 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.

Total90

NEGATIVE: Flowers.

Total1

ABSENT OR NOT VOTING: Allen, Berry, T. Bradford, Burkes, Cooper, Kenney, Pate, Ragland, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative.....90

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

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

HOUSE BILL NO. 2705

BY: REPRESENTATIVE SAUNDERS

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, 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, Harrelson, 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, 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: T. Bradford, Kenney, Ragland, 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 Key moved that the record by which **AMENDMENT #1** to **HOUSE BILL NO. 2718** be expunged from the record, which motion prevailed by more than 67 votes.

Upon motion of Representative Key, **HOUSE BILL NO. 2718** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2718

Amend **HOUSE BILL NO. 2718** as originally introduced:

Page 1, lines 9 through 12, delete the TITLE in its entirety and substitute the following:

“AN ACT CONCERNING PROPERTY TAXES ON PROPERTY OWNED BY A MARINA AND OPERATED UNDER A LEASE AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS; AND FOR OTHER PURPOSES.”

AND

Page 2, lines 15 through 18, delete the SUBTITLE in its entirety and substitute the following:

“AN ACT CONCERNING PROPERTY TAXES ON PROPERTY OWNED BY A MARINA AND OPERATED UNDER A LEASE AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS.”

AND

Page 1, delete SECTION 1, and substitute the following:

“SECTION 1. Arkansas Code § 26-3-301, concerning property exempt from taxes, is amended to add an additional subdivision to read as follows:

(13) All property owned by a marina, whether real or personal, attached to or located on property owned by the United States Army Corps of Engineers that is operated under a lease agreement with the United States Army Corps of Engineers.”

/s/ Johnny Key

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 1751

BY: REPRESENTATIVE PICKETT

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

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

Total87

NEGATIVE: George, Wells.

Total2

ABSENT OR NOT VOTING: Abernathy, J. Brown, Chesterfield, Cook, D. Evans, Garner, Kenney, Kidd, Ragland, Saunders, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative.....87

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

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

HOUSE BILL NO. 2269

BY: REPRESENTATIVE COOK

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

AFFIRMATIVE: 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, Dunn, Edwards, Everett, Garner, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, M. Martin, Maxwell, Moore, Overbey, Pace, Patterson, Pennartz, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total78

NEGATIVE: Adcock, Allen, Chesterfield, Flowers, Hall, Pickett, Sample, Schulte.

Total8

ABSENT OR NOT VOTING: Abernathy, T. Baker, S. Dobbins, D. Evans, L. Evans, Gaskill, Kenney, Kidd, Medley, Norton, Pate, Ragland, Sumpter, Walters.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative78

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

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

HOUSE BILL NO. 2272

BY: REPRESENTATIVE COOK

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: Anderson, T. Baker, 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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total89

NEGATIVE: Adcock, Allen, Chesterfield, Flowers, Sample.

Total5

ABSENT OR NOT VOTING: Abernathy, Kenney, Maloch, Pace, Ragland, Reep.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

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.

There being an Emergency Clause attached to **HOUSE BILL NO. 2272**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Anderson, T. Baker, 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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, M. Martin, Maxwell, Medley, Moore, Norton, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reynolds, J. Roebuck, Rogers, Rosenbaum, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt, Mr. Speaker.

Total89

NEGATIVE: Adcock, Allen, Chesterfield, Flowers, Sample.

Total5

ABSENT OR NOT VOTING: Abernathy, Kenney, Maloch, Pace, Ragland, Reep.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2425

BY: REPRESENTATIVE COOK

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

AFFIRMATIVE: 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, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hardwick, Hardy, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, King, Lamoureux, W. Lewellen, Lovell, Lowery, Maloch, Medley, Moore, Norton, Overbey, Pace, Pate, Patterson, Pennartz, Pierce, Powers, Pyle, 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.

Total89

NEGATIVE: Adcock.

Total1

ABSENT OR NOT VOTING: Abernathy, Hall, Kenney, M. Martin, Maxwell, Pickett, Ragland, Mr. Speaker.

Total8

VOTING PRESENT: Flowers, S. Prater.

Total2

Total number of votes cast92

Total number voting in the affirmative.....89

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

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

HOUSE BILL NO. 2555

BY: REPRESENTATIVE D. JOHNSON

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, Harrelson, 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, 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.

Total	97
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Kenney, Ragland, 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. 2619

BY: REPRESENTATIVE WALTERS

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, L. Cowling, D. Creekmore, Davenport, Davis, Dickinson, S. Dobbins, Dunn, D. Evans, L. Evans, Flowers, Garner, Gaskill, George, R. Green, Greenberg, 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, Pate, Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Pyle, Rainey, Reep, Reynolds, J. Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Shelby, L. Smith, Stewart, Sullivan, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Woods, Wyatt.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Cooper, Edwards, Everett, Glidewell, Hall, Pace, Ragland, Sumpter, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative.....91

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

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

HOUSE BILL NO. 2646

BY: REPRESENTATIVE ADCOCK

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, Harrelson, Harris, Hawkins, House, Hoyt, D. Hutchinson, 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, 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.

Total95

NEGATIVE: Hyde.

Total1

ABSENT OR NOT VOTING: Hardwick, Kenney, Ragland, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative95

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

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1163 BY REPRESENTATIVE BURRIS
HOUSE BILL NO. 1531 BY REPRESENTATIVE HARRELSON
HOUSE BILL NO. 1599 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1631 BY REPRESENTATIVE WILLS
HOUSE BILL NO. 1636 BY REPRESENTATIVE BOND
HOUSE BILL NO. 1746 BY REPRESENTATIVE J. JOHNSON
HOUSE BILL NO. 1751 BY REPRESENTATIVE PICKETT
HOUSE BILL NO. 1828 BY REPRESENTATIVE HARRELSON
HOUSE BILL NO. 1866 BY REPRESENTATIVE RAGLAND
HOUSE BILL NO. 2269 BY REPRESENTATIVE COOK
HOUSE BILL NO. 2272 BY REPRESENTATIVE COOK
HOUSE BILL NO. 2302 BY REPRESENTATIVE PACE
HOUSE BILL NO. 2320 BY REPRESENTATIVE MOORE
HOUSE BILL NO. 2353 BY REPRESENTATIVE GREENBERG
HOUSE BILL NO. 2361 BY REPRESENTATIVE REYNOLDS
HOUSE BILL NO. 2371 BY REPRESENTATIVE KING
HOUSE BILL NO. 2416 BY REPRESENTATIVE WOODS
HOUSE BILL NO. 2417 BY REPRESENTATIVE PATTERSON
HOUSE BILL NO. 2420 BY REPRESENTATIVE PETRUS
HOUSE BILL NO. 2425 BY REPRESENTATIVE COOK
HOUSE BILL NO. 2448 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 2490 BY REPRESENTATIVE J. JOHNSON
HOUSE BILL NO. 2551 BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 2555 BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 2562 BY REPRESENTATIVE KEY
HOUSE BILL NO. 2619 BY REPRESENTATIVE WALTERS
HOUSE BILL NO. 2621 BY REPRESENTATIVE ROGERS
HOUSE BILL NO. 2646 BY REPRESENTATIVE ADCOCK
HOUSE BILL NO. 2657 BY REPRESENTATIVE D. JOHNSON
HOUSE BILL NO. 2705 BY REPRESENTATIVE SAUNDERS
HOUSE BILL NO. 2742 BY REPRESENTATIVE BREEDLOVE
HOUSE BILL NO. 2763 BY REPRESENTATIVE SAUNDERS

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT
MEMORIAL RESOLUTION NO. 1002 BY REPRESENTATIVE OVERBEY

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT
RESOLUTION NO. 13 BY SENATOR WILKINSON

SENATE CONCURRENT MEMORIAL RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT
MEMORIAL RESOLUTION NO. 1 BY SENATOR STEELE
SENATE CONCURRENT
MEMORIAL RESOLUTION NO. 4 BY SENATOR BISBEE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 16, 2007

MR. SPEAKER:

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

HOUSE BILL NO. 1152 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1193 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1326 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1329 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1348 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1390 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1391 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1593 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1594 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1596 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1598 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1600 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1601 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1602 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1603 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1605 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1606 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1773 BY JOINT BUDGET COMMITTEE

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:40 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. 1152 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1193 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1326 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1329 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1348 BY JOINT BUDGET COMMITTEE
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HOUSE BILL NO. 1601 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1602 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1603 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1605 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1606 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1773 BY JOINT BUDGET COMMITTEE

/s/ Mike Beebe - Governor

TIME: 9:40 a.m.

By: Angela Tollette

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 16, 2007

MR. SPEAKER:

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

HOUSE BILL NO. 1061 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1180 BY REPRESENTATIVES T. BAKER, OVERBEY

HOUSE BILL NO. 2218 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 2:15 p.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. 1061 BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1180 BY REPRESENTATIVES T. BAKER, OVERBEY

HOUSE BILL NO. 2218 BY REPRESENTATIVE LOWERY

/s/ Mike Beebe - Governor

TIME: 2:15 p.m.

By: Marc Harrison

STATE OF ARKANSAS

MIKE BEEBE
GOVERNOR

March 16, 2007

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform you that on March 16, 2007, I approved the following measures from the Regular Session of the Eighty-sixth General Assembly:

HOUSE BILL NO. 1023 - ACT 290	HOUSE BILL NO. 1345 - ACT 301
HOUSE BILL NO. 1031 - ACT 291	HOUSE BILL NO. 1452 - ACT 302
HOUSE BILL NO. 1070 - ACT 292	HOUSE BILL NO. 1454 - ACT 303
HOUSE BILL NO. 1085 - ACT 293	HOUSE BILL NO. 1455 - ACT 304
HOUSE BILL NO. 1159 - ACT 294	HOUSE BILL NO. 1462 - ACT 305
HOUSE BILL NO. 1185 - ACT 295	HOUSE BILL NO. 1479 - ACT 306
HOUSE BILL NO. 1188 - ACT 296	HOUSE BILL NO. 1521 - ACT 307
HOUSE BILL NO. 1189 - ACT 297	HOUSE BILL NO. 1683 - ACT 308
HOUSE BILL NO. 1191 - ACT 298	HOUSE BILL NO. 1772 - ACT 309
HOUSE BILL NO. 1242 - ACT 299	
HOUSE BILL NO. 1341 - ACT 300	

Sincerely,

/s/ Mike Beebe

STATE OF ARKANSAS

House of Representatives

March 16, 2007

To Whom It May Concern:

I am writing this letter in regards to my non-vote on **HOUSE BILL NO. 2763**. It was my intention to vote YES on this Bill and it is my recollection that I pressed the appropriate button. It is my impression that a mechanical failure with my voting button resulted in my vote not being recorded.

Sincerely,

Clark Hall
State Representative

BP:jb

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2792

"AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO PRESCRIBE UNIFORM COLLEGE LEVEL PREPARATORY AND GRADE POINT AVERAGE REQUIREMENTS."

Amendment No. 1 to House Bill No. 2792.

Amend House Bill No. 2792 as originally introduced:

Page 2, line 7, delete "uniform" and substitute "minimum"

AND

Page 2, line 9, delete "applying for initial licensure or relicensure" and substitute "applying for initial or additional licensure"

AND

Page 2, line 11, delete "uniform"

AND

Page 2, line 12, delete "applying for initial licensure or relicensure" and substitute "applying for initial or additional licensure"

AND

Page 2, line 13, delete "uniform and specific" and substitute "minimum"

AND

Page 2, delete lines 15 through 17 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 2, line 19, delete "practice" and substitute "student"

AND

Page 3, delete line 7 and substitute the following:

"pertaining to the specific requirements for initial or additional teacher licensure"

AND

Page 3, (delete) lines 10 through 12 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 3, line 14, delete "practice" and substitute "student"

AND

Page 3, line 17, delete "uniform"

AND

Page 3, line 23, delete "uniform"

AND

Page 3, delete lines 30 through 36

AND

Page 4, delete lines 1 through 6

AND

Page 4, line 7, delete "(f)(1)" and substitute "(e)(1)"

AND

Page 4, delete line 12 and substitute the following:

"(2) An applicant for the reciprocal administrator's license with less than five (5) years of experience"

AND

Page 8, line 3, delete "nineteen (19)" and substitute "seventeen (17)"

AND

Page 8, line 6, delete "Six (6)" and substitute "Four (4)"

AND

Page 8, line 9, delete "

six (6)" and substitute "four (4)"

AND

Page 8, line 10, delete "and include:" and substitute "and include classroom teachers who are licensed and teach at:"

AND

Page 8, delete lines 17 and 18 and substitute the following:

"(iv) Any licensure level to serve in one (1) atlarge position;"

AND

Page 8, line 25, delete "and"

AND

Page 8, line 26, delete "Three (3)" and substitute "Two (2)"

AND

Page 8, line 27, delete "teaching license" and substitute "teaching and administrator's license"

AND

Page 8, delete lines 28 and 29, and substitute the following:

"Arkansas Association of School Administrators; and

(D) One (1) public school administrator with a valid Arkansas"

AND

Page 8, delete line 32 and substitute the following:

"(4) One (1) nonvoting representative designated by the"

AND

Page 8, delete lines 35 and 36 and substitute the following:

"(5)(A) Three (3) deans of education from Arkansas institutions of higher education recommended by the Arkansas Association of Colleges for Teacher Education.

AND

Page 9, delete lines 1 through 3 and substitute the following:

"(B)(i) One (1) dean shall be from a private institution of higher education;

(ii) One (1) dean shall be from a public institution of higher education; and

(iii) One (1) of whom shall have knowledge of licensure issues;"

AND

Page 9, line 4, delete "(7)" and substitute "(6)"

AND

Page 9, line 6, delete "(8)" and substitute "(7)"

AND

Page 10, line 11, delete "uniform" and substitute "minimum"

AND

Page 10, line 12, delete "or relicensure" and substitute "or additional licensure"

AND

Page 10, line 13, delete "uniform and specific" and substitute "minimum"

AND

Page 10, delete lines 15 through 17 and substitute the following:

"(B) Program approval;

(C) Range of approved hours;"

AND

Page 10, line 28, delete "uniformity" and substitute "alignment with standards"

AND

Page 10, delete lines 31 through 33 and substitute the following:

"(b) The audits shall use state standards or national standards for licensure programs, or a combination of both."

AND

Page 11, delete lines 11 and 12 and substitute the following:

"(3)(A) Establish a code of ethics for administrators and teachers in educational environments for students in"

AND

Page 11, line 31, delete "complaints" and substitute "complaints referred by the Department of Education"

AND

Page 11, delete lines 34 through 36

AND

Page 12, delete line 1

The Amendment was read

By: Representative J. Roebuck

CLR/CLR - 03-12-2007 17:42

CLR304

Chief Clerk

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2665

"THE INCOME TAX PLEDGE ACT OF 2007."

Amendment No. 2 to House Bill No. 2665.

Amend House Bill No. 2665 as engrossed, H3/14/07 (version: 03-14-2007 11:14):

Page 2, delete line 4, and substitute the following:

"(\$4,7000,000,000), the income tax rates levied in §§ 26-51-201 and 26-51-202
(delete 1 zero)

shall be reduced by one-quarter of one"

AND

Page 2, delete line 6, and substitute the following:

"January 1, 2009 for income taxes due for taxable year 2008."

AND

Page 2, delete line 15, and substitute the following:

"(e) For fiscal year 2009 and following, should the net"

AND

Page 2, delete line 18, and substitute the following:

"inflation-adjusted margin of growth, the income tax rates levied in §§ 26-
51-201 and 26-51-202 shall be reduced by"

AND

Page 2, delete line 20, and substitute the following:

"calendar year for income taxes due for the previous calendar year, until
the"

Upon motion of Representative David Evans, the House adjourned at 12:13 p.m. until 1:30 p.m., Monday, March 19, 2007.

ATTEST:

Benny C. Petrus
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk