

**SIXTIETH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
March 13, 2003

The House was called to order at 1:31 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D.Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C.Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total100

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

Total0

A quorum was present.

The House stood and was led in prayer by Reverend Tim Prock, Pastor, First Baptist Church, Paris, Arkansas.

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

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

COMMITTEE REPORT

	March 13, 2003
JOINT BUDGET	PAUL WEAVER CHAIRPERSON
HOUSE BILL NO. 1400	DO PASS
BY REPRESENTATIVE L. PRATER	
HOUSE BILL NO. 1401	DO PASS
BY REPRESENTATIVE L. PRATER	
HOUSE BILL NO. 1404	DO PASS
BY REPRESENTATIVE BOLIN AND BY SENATOR J. JEFFRESS	
HOUSE BILL NO. 1486	DO PASS
BY REPRESENTATIVE THOMASON	
HOUSE BILL NO. 1611	DO PASS
BY REPRESENTATIVE J. TAYLOR, ET AL AND BY SENATOR J. JEFFRESS	
HOUSE BILL NO. 1639	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 1660	DO PASS
BY REPRESENTATIVE SCROGGIN, ET AL AND BY SENATOR WHITAKER	
HOUSE BILL NO. 1661	DO PASS
BY REPRESENTATIVE SCROGGIN, ET AL AND BY SENATOR WHITAKER	
HOUSE BILL NO. 1664	DO PASS
BY REPRESENTATIVES NORTON, JACKSON AND BY SENATORS LAVERTY, WOMACK	
HOUSE BILL NO. 1665	DO PASS
BY REPRESENTATIVES NORTON, JACKSON AND BY SENATORS WOMACK, LAVERTY	
HOUSE BILL NO. 1666	DO PASS
BY REPRESENTATIVES NORTON, JACKSON AND BY SENATORS LAVERTY, WOMACK	
HOUSE BILL NO. 1667	DO PASS
BY REPRESENTATIVES NORTON, JACKSON AND BY SENATORS WOMACK, LAVERTY	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 1699	DO PASS
BY REPRESENTATIVE J. TAYLOR AND BY SENATOR GULLETT	
HOUSE BILL NO. 1700	DO PASS
BY REPRESENTATIVE J. TAYLOR AND BY SENATOR J. JEFFRESS	
HOUSE BILL NO. 1701	DO PASS
BY REPRESENTATIVE J. TAYLOR AND BY SENATOR GULLETT	
HOUSE BILL NO. 1711	DO PASS
BY REPRESENTATIVE DICKINSON	
HOUSE BILL NO. 1712	DO PASS
BY REPRESENTATIVE THOMASON AND BY SENATOR HILL	
HOUSE BILL NO. 1727	DO PASS
BY REPRESENTATIVE HICKINBOTHAM	
HOUSE BILL NO. 1761	DO PASS
BY REPRESENTATIVE L. PRATER	
HOUSE BILL NO. 1767	DO PASS
BY REPRESENTATIVE MACK AND BY SENATOR HILL	
HOUSE BILL NO. 1768	DO PASS
BY REPRESENTATIVE MACK AND BY SENATOR HILL	
HOUSE BILL NO. 1769	DO PASS
BY REPRESENTATIVE MACK AND BY SENATOR FARIS	
HOUSE BILL NO. 1770	DO PASS
BY REPRESENTATIVE MACK AND BY SENATOR HILL	
HOUSE BILL NO. 1772	DO PASS
BY REPRESENTATIVE DICKINSON	
HOUSE BILL NO. 1787	DO PASS
BY REPRESENTATIVE DICKINSON	
HOUSE BILL NO. 1802	DO PASS
BY REPRESENTATIVE PETRUS	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 1811	DO PASS
BY REPRESENTATIVES BOND, S. PRATER AND	
BY SENATOR CAPPS	
HOUSE BILL NO. 1812	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 1813	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 1814	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 1818	DO PASS
BY REPRESENTATIVE SCROGGIN AND	
BY SENATOR BAKER	
HOUSE BILL NO. 1819	DO PASS
BY REPRESENTATIVE MILLIGAN	
HOUSE BILL NO. 1824	DO PASS
BY REPRESENTATIVE ANDERSON	
HOUSE BILL NO. 1852	DO PASS
BY REPRESENTATIVE THOMASON AND	
BY SENATOR HILL	
HOUSE BILL NO. 1860	DO PASS
BY REPRESENTATIVE MILLIGAN	
HOUSE BILL NO. 1861	DO PASS
BY REPRESENTATIVE MILLIGAN	
HOUSE BILL NO. 1867	DO PASS
BY REPRESENTATIVE OGLESBY AND	
BY SENATOR HILL	
HOUSE BILL NO. 1868	DO PASS
BY REPRESENTATIVES OGLESBY, WALTERS AND	
BY SENATOR WILKINSON	
HOUSE BILL NO. 1869	DO PASS
BY REPRESENTATIVE OGLESBY AND	
BY SENATOR HILL	
HOUSE BILL NO. 1870	DO PASS
BY REPRESENTATIVE OGLESBY AND	
BY SENATOR WILKINSON	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 1871	DO PASS
BY REPRESENTATIVE OGLESBY AND	
BY SENATOR HILL	
HOUSE BILL NO. 1948	DO PASS
BY REPRESENTATIVE THOMASON AND	
BY SENATOR HORN	
HOUSE BILL NO. 1996	DO PASS
BY REPRESENTATIVES L. PRATER, AGEE,	
GREEN AND MEDLEY	
HOUSE BILL NO. 2002	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2003	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2004	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2005	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2006	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2007	DO PASS
BY REPRESENTATIVE HICKINBOTHAM AND	
BY SENATOR MILLER	
HOUSE BILL NO. 2009	DO PASS
BY REPRESENTATIVE DICKINSON	
HOUSE BILL NO. 2029	DO PASS
BY REPRESENTATIVE PETRUS	
HOUSE BILL NO. 2038	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 2039	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 2068	DO PASS
BY REPRESENTATIVE GOSS	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 2069	DO PASS
BY REPRESENTATIVE GOSS AND	
BY SENATOR BRYLES	
HOUSE BILL NO. 2070	DO PASS
BY REPRESENTATIVE GOSS AND	
BY SENATOR BRYLES	
HOUSE BILL NO. 2071	DO PASS
BY REPRESENTATIVE GOSS AND	
BY SENATOR BRYLES	
HOUSE BILL NO. 2073	DO PASS
BY REPRESENTATIVE ROSENBAUM	
HOUSE BILL NO. 2078	DO PASS
BY REPRESENTATIVE SCRIMSHIRE	
HOUSE BILL NO. 2080	DO PASS
BY REPRESENTATIVE SCRIMSHIRE	
HOUSE BILL NO. 2082	DO PASS
BY REPRESENTATIVE WALTERS AND	
BY SENATOR WILKINSON	
HOUSE BILL NO. 2083	DO PASS
BY REPRESENTATIVE WALTERS AND	
BY SENATOR WILKINSON	
HOUSE BILL NO. 2087	DO PASS
BY REPRESENTATIVE SCROGGIN	
HOUSE BILL NO. 2088	DO PASS
BY REPRESENTATIVES VERKAMP, MEDLEY	
HOUSE BILL NO. 2089	DO PASS
BY REPRESENTATIVE SUMPTER	
HOUSE BILL NO. 2091	DO PASS
BY REPRESENTATIVE MACK AND	
BY SENATOR HILL	
HOUSE BILL NO. 2093	DO PASS
BY REPRESENTATIVE MACK AND	
BY SENATOR HILL	
HOUSE BILL NO. 2094	DO PASS
BY REPRESENTATIVE MACK AND	
BY SENATOR HILL	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 2096	DO PASS
BY REPRESENTATIVE SUMPTER	
HOUSE BILL NO. 2097	DO PASS
BY REPRESENTATIVES MACK, SULLIVAN AND	
BY SENATOR HILL	
HOUSE BILL NO. 2098	DO PASS
BY REPRESENTATIVE SUMPTER	
HOUSE BILL NO. 2099	DO PASS
BY REPRESENTATIVE VERKAMP	
HOUSE BILL NO. 2100	DO PASS
BY REPRESENTATIVE ROSENBAUM	
HOUSE BILL NO. 2101	DO PASS
BY REPRESENTATIVE MACK AND	
BY SENATOR HILL	
HOUSE BILL NO. 2112	DO PASS
BY REPRESENTATIVES SCROGGIN, WHITE AND	
BY SENATOR J. JEFFRESS	
HOUSE BILL NO. 2125	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2126	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2127	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2135	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2136	DO PASS
BY REPRESENTATIVE KING AND	
BY SENATOR HIGGINBOTHOM	
HOUSE BILL NO. 2137	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2138	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2139	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2145	DO PASS
BY REPRESENTATIVE KING	

COMMITTEE REPORT, JOINT BUDGET (continued)

HOUSE BILL NO. 2146	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2147	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2150	DO PASS
BY REPRESENTATIVE KING	
HOUSE BILL NO. 2154	DO PASS
BY REPRESENTATIVES PATE, D. EVANS AND	
BY SENATOR CAPPS	
HOUSE BILL NO. 2159	DO PASS
BY REPRESENTATIVES PATE, D. EVANS AND	
BY SENATOR CAPPS	
HOUSE BILL NO. 2160	DO PASS
BY REPRESENTATIVE HATHORN AND	
BY SENATOR LAVERTY	
HOUSE BILL NO. 2162	DO PASS
BY REPRESENTATIVE HATHORN	
HOUSE BILL NO. 2165	DO PASS
BY REPRESENTATIVES PATE, D. EVANS AND	
BY SENATOR CAPPS	
HOUSE BILL NO. 2166	DO PASS
BY REPRESENTATIVES PATE, D. EVANS AND	
BY SENATOR CAPPS	
HOUSE BILL NO. 2168	DO PASS
BY REPRESENTATIVES HATHORN, MILLIGAN AND	
BY SENATOR LAVERTY	
HOUSE BILL NO. 2170	DO PASS
BY REPRESENTATIVE GOSS	
HOUSE BILL NO. 2175	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 2176	DO PASS
BY REPRESENTATIVE HATHORN	
HOUSE BILL NO. 2177	DO PASS
BY REPRESENTATIVES HATHORN, MILLIGAN	
HOUSE BILL NO. 2212	DO PASS
BY REPRESENTATIVE MAHONY	

COMMITTEE REPORT

	March 13, 2003
JUDICIARY	MIKE HATHORN
	CHAIRPERSON
HOUSE BILL NO. 1981	DO PASS
BY REPRESENTATIVE PENIX	AS AMENDED #1
HOUSE BILL NO. 2244	DO PASS
BY REPRESENTATIVE BOND	
HOUSE BILL NO. 2269	DO PASS
BY REPRESENTATIVE VERKAMP	AS AMENDED #1, 2, 3
	NON-CONTROVERSIAL
HOUSE BILL NO. 2275	DO PASS
BY REPRESENTATIVE THOMASON	NON-CONTROVERSIAL
HOUSE BILL NO. 2310	DO PASS
BY REPRESENTATIVE PATE	AS AMENDED #1 & 2
HOUSE BILL NO. 2345	DO PASS
BY REPRESENTATIVE LEDBETTER	
HOUSE BILL NO. 2527	DO PASS
BY REPRESENTATIVE PETRUS	
HOUSE BILL NO. 2561	DO PASS
BY REPRESENTATIVE OGLESBY	NON-CONTROVERSIAL
HOUSE BILL NO. 2702	DO PASS
BY REPRESENTATIVE THYER	
HOUSE BILL NO. 2830	DO PASS
BY REPRESENTATIVE HATHORN	
SENATE BILL NO. 303	DO PASS
BY SENATOR LUKER	

COMMITTEE REPORT

	March 13, 2003
PUBLIC TRANSPORTATION	JOHNNIE BOLIN
	CHAIRPERSON
HOUSE BILL NO. 2234	DO PASS
BY REPRESENTATIVE DOBBINS	
HOUSE BILL NO. 2308	DO PASS
BY REPRESENTATIVE WOOD	
HOUSE BILL NO. 2343	DO PASS
BY REPRESENTATIVE PETRUS	
HOUSE BILL NO. 2401	DO PASS
BY REPRESENTATIVE ROSENBAUM	AS AMENDED #1
HOUSE BILL NO. 2463	DO PASS
BY REPRESENTATIVE HOUSE	AS AMENDED #1
HOUSE BILL NO. 2466	DO PASS
BY REPRESENTATIVE PRITCHARD	
HOUSE BILL NO. 2559	DO PASS
BY REPRESENTATIVE S. PRATER	
HOUSE BILL NO. 2560	DO PASS
BY REPRESENTATIVE S. PRATER	
HOUSE BILL NO. 2674	DO PASS
BY REPRESENTATIVE MAHONY	
HOUSE BILL NO. 2758	DO PASS
BY REPRESENTATIVE ROSENBAUM	AS AMENDED #1
HOUSE CONCURRENT RESOLUTION NO. 1011	DO PASS
BY REPRESENTATIVE THOMAS	
SENATE CONCURRENT RESOLUTION NO. 15	DO PASS
BY SENATOR HIGGINBOTHOM	NON-CONTROVERSIAL

COMMITTEE REPORT

	March 13, 2003
EDUCATION	CALVIN JOHNSON
	CHAIRPERSON
HOUSE BILL NO. 1040	DO PASS, TO CONCUR IN
BY REPRESENTATIVE CHESTERFIELD	SENATE AMENDMENT #1
HOUSE BILL NO. 2274	DO PASS
BY REPRESENTATIVE HOUSE	AS AMENDED #1
HOUSE BILL NO. 2375	DO PASS
BY REPRESENTATIVE WHITE	
HOUSE BILL NO. 2422	DO PASS
BY REPRESENTATIVE DANGEAU	
HOUSE BILL NO. 2756	DO PASS
BY REPRESENTATIVE WALTERS	
HOUSE BILL NO. 2778	DO PASS
BY REPRESENTATIVE DEES	
HOUSE RESOLUTION NO. 1018	DO PASS
BY REPRESENTATIVE LEDBETTER	
HOUSE RESOLUTION NO. 1020	DO PASS
BY REPRESENTATIVE CHESTERFIELD	
SENATE BILL NO. 104	DO PASS
BY SENATOR BROADWAY	
SENATE BILL NO. 452	DO PASS
BY SENATOR STEELE	AS AMENDED #1
	NON-CONTROVERSIAL

COMMITTEE REPORT

	March 13, 2003
REVENUE AND TAXATION	BOYD HICKINBOTHAM
	CHAIRPERSON
HOUSE BILL NO. 1982	DO PASS
BY REPRESENTATIVE NAPPER	

COMMITTEE REPORT

	March 13, 2003
PUBLIC HEALTH, WELFARE AND LABOR	JAY BRADFORD CHAIRPERSON
HOUSE BILL NO. 2197 BY REPRESENTATIVE KEYS	DO PASS NON-CONTROVERSIAL
HOUSE BILL NO. 2286 BY REPRESENTATIVE BRADFORD	DO PASS
HOUSE BILL NO. 2307 BY REPRESENTATIVE BLEDSOE	DO PASS AS AMENDED #1
HOUSE BILL NO. 2529 BY REPRESENTATIVE AGEE	DO PASS
HOUSE BILL NO. 2530 BY REPRESENTATIVE JUDY	DO PASS
HOUSE BILL NO. 2606 BY REPRESENTATIVE HUTCHINSON	DO PASS NON-CONTROVERSIAL
HOUSE BILL NO. 2823 BY REPRESENTATIVE MEDLEY	DO PASS NON-CONTROVERSIAL
HOUSE RESOLUTION NO. 1017 BY REPRESENTATIVE MEDLEY	DO PASS NON-CONTROVERSIAL
HOUSE CONCURRENT RESOLUTION NO. 1017 BY REPRESENTATIVE JUDY	DO PASS
SENATE BILL NO. 258 BY SENATOR BISBEE	DO PASS AS AMENDED #1 NON-CONTROVERSIAL
SENATE BILL NO. 290 BY SENATOR ARGUE	DO PASS NON-CONTROVERSIAL

Upon motion of Representative Penix, **HOUSE BILL NO. 2236** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2236

Amend **HOUSE BILL NO. 2236** as originally introduced:

Add Representatives Bright, Key, Rosenbaum, and R. Smith as cosponsors of the bill

AND

Page 1, delete lines 25 through 27 and substitute the following:

"(a)(1) Any provider of long-term medical care shall demonstrate a"

AND

Page 1, line 30, delete "(2)" and substitute "(2)(A)"

AND

Page 1, delete line 31 and substitute the following:

"through participation in a continuous quality improvement program.

(B)(i) No state moneys shall be used to pay for the program.

(ii) All costs for the program shall be paid by the facilities participating in the program."

/s/ Kevin Penix

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Penix, **HOUSE BILL NO. 2236** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2236

Amend **HOUSE BILL NO. 2236** as originally introduced:

Page 2, delete lines 13 through 27 and substitute the following:

“(a) All long-term care facilities eligible to receive Medicaid reimbursement shall require all nurse aides to:

(1) Complete two (2) hours of orientation, which shall be specific to the facility in which the nurse aide is employed, and including the Heimlich maneuver; and

(2) Satisfy one (1) of the following:

(A) Complete a state-approved training and competency evaluation program; or

(B) Demonstrate competence through satisfactory participation in a state-approved nurses aide training and competency evaluation program that includes at least sixteen (16) hours of training in the following subjects before any direct contact with the resident:

(i) Communication and interpersonal skills;

(ii) Infection control;

(iii) Safety and emergency procedures;

(iv) Promoting residents’ independence; and

(v) Respecting residents’ rights.

(b) The provisions of subsection (a) shall not apply to nurse aides from an employment agency who are working at the facility in a temporary capacity.”

/s/ Kevin Penix

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 2201** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2201

Amend **HOUSE BILL NO. 2201** as originally introduced:
Page 3, line 9 delete "4-5-417" and substitute "7-5-417"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1014** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1014

Amend **HOUSE BILL NO. 1014** as engrossed, H2/20/03:
Page 1, line 24 delete "armed" and insert "uniformed"
AND
Page 1, line 30 delete "military" and insert "uniformed services"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1014** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1014

Amend **HOUSE BILL NO. 1014** as engrossed, H2/20/03:
Page 1, line 31, after "regulations" insert ", if funds are available"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative R. Smith, **HOUSE BILL NO. 2221** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2221

Amend **HOUSE BILL NO. 2221** as engrossed, 03/10/03:
Page 1, line 32 add "municipality's district or city" immediately before the word "court"

/s/ R. Smith

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative R. Smith, **HOUSE BILL NO. 2192** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2192

Amend **HOUSE BILL NO. 2192** as originally introduced:

Page 4, delete line 36, and substitute the following:

“SECTION 5. Arkansas Code § 23-66-209(a), concerning administrative”

AND

Page 14, line 11, delete “compensation” and substitute “compensated”

AND

Page 14, line 19, delete “single.” and substitute “one-time.”

/s/ R. Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1571** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1571

Amend **HOUSE BILL NO. 1571** as originally introduced:

Delete section 1 in its entirety and substitute the following:

“SECTION 1. Arkansas Code Title 23, Chapter 4, Subchapter 1 is amended by adding an additional section to read as follows:

23-4-111. Valuation of public utility property for ratemaking purposes.

(a) For the purposes of this section:

(1)(A) “Public utility” is a public utility as that term is defined under § 23-1-101.

(B) However, a public utility is not an incumbent local exchange carrier that has elected to be regulated under §§ 23-17-406 through 23-17-408 or § 23-17-412;

(2) “Original cost” means the cost incurred by a public utility when plant or property was first devoted to public service; and

(3) “Net book value” means the original cost less reasonable accumulated depreciation of the plant or property.

(b)(1) In determining the value of plant or property that is to be included in the rate base upon which the public utility will be allowed the opportunity to earn a

return, the commission shall use the net book value of the plant or property unless the commission determines that an adjustment is appropriate under subsections (c), (d), or (e).

(2) However, for affiliate acquisitions the value of plant or property that is to be included in the rate base upon which the public utility will be allowed the opportunity to earn a return, the commission shall use the net book value of the plant or property or a lesser amount but in no event may the commission make an adjustment above net book value under subsection (c).

(3) If the original cost of the plant or property is unknown, the commission shall estimate the net book value.

(c) For plant or property acquired for an amount above net book value, the commission may allow the recovery through rates of an amount greater than net book value but not more than actual cost if the public utility can prove by a preponderance of the evidence that:

(1) The original cost of the plant or property was reasonable and prudent; and

(2) The plant or property will produce for the public utility's customers known and measurable benefits that are greater than its net book value.

(d) For plant or property acquired for an amount below net book value, the commission may allow the recovery through rates of an amount greater than the cost of acquisition but not more than the net book value if the public utility can prove by a preponderance of the evidence that:

(1) The original cost of the plant or property was reasonable and prudent; and

(2) The plant or property will produce for the public utility's customers known and measurable benefits that are greater than its cost of acquisition.

(e) The commission may allow the recovery through rates of an amount less than net book value if the commission determines that the original cost of the plant or property was not reasonable or was imprudent.

(f) However, for plant or property costs incurred in compliance with § 23-18-106(a), the public utility shall have a rebuttable presumption of reasonableness and prudence for the purpose of the commission's determinations in subsections (c) and (d)."

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 2693** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2693

Amend **HOUSE BILL NO. 2693** as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 3 is amended by adding additional sections to read as follows:

26-52-315. Attorneys.

(a) As used in this section unless the context otherwise requires:

(1) "Attorney" means:

(A) Any person licensed to practice law in the state or federal courts in Arkansas;

(B) Any partnership, association, or corporation of licensed attorneys; and

(C) Any attorney licensed by another state, who provides services in the State of Arkansas;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed;

(3) "Practice of law" means any service related to the legal representation of clients including, but not limited to, acts included in § 16-22-501(a), which involves conduct regulated by the Arkansas Supreme Court; and

(4) "Services" means all acts, work, or representation rendered, furnished, or performed for a valuable consideration by any person engaged in the practice of law for a consumer or client other than an employer.

(b) All fees and compensation collected by any attorney for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Tax Act of 1941, § 26-52-101 et seq.

(d)(1) Any attorney required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit for the purpose of identification.

(2) The provisions of § 26-52-501(a), and § 26-18-206 making it unlawful to operate a business without a permit shall not apply to the practice of law by an attorney.

(3) The provisions of § 26-18-702 allowing the director to enjoin the operation of a business shall not apply to the practice of law by an attorney.

26-52-316. Accountants.

(a) For purposes of this section:

(1) "Accountant" means any person, partnership, corporation, limited liability company, or other entity certified or licensed under § 17-12-301, § 17-12-312 or §§ 17-12-401 through 17-12-404 or any accountant certified or licensed by another state, who performs services in the State of Arkansas;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed;

(3) "Practice of public accounting" means the performance of professional services as defined in this section, or the performance of professional services while using the title or designation of certified public accountant, public accountant, CPA, PA, accountant, or auditor;

(4) "Professional services" means services arising out of or related to the specialized knowledge or skills performed by certified public accountants or public accountants; and

(5) "Services" means all acts, work, or professional services rendered, furnished, or performed, for a valuable consideration by any person engaged in the practice of public accounting for a consumer or client other than an employer.

(b) All fees and compensation collected by any accountant for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any accountant required to collect and remit gross receipts taxes on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-317. Engineers.

(a) For purposes of this section:

(1) "Engineer" means any person, firm, partnership, corporation, limited liability company, or other entity who is a professional engineer as defined by § 17-30-101 or who engages in the practice of engineering as defined by § 17-30-101, or who is registered as an engineer by another state, who performs services in the State of Arkansas;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(3) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in the practice of engineering for a consumer or client other than an employer.

(b) All fees and compensation collected by any engineer for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any engineer required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-318. Architects.

(a) For purposes of this section:

(1) "Architect" means any person, firm, partnership, corporation, limited liability company, or other entity who is an architect as defined by § 17-15-102 or who engages in the practice of architecture as defined by § 17-15-102 or who is registered as an architect by another state, who performs services in the State of Arkansas;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(3) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in the practice of architecture for a consumer or client other than an employer.

(b) All fees and compensation collected by any architect for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any architect required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-319. Computer consultants.

(a) For purposes of this section:

(1) "Computer consultant" means any person, firm, partnership, corporation, limited liability company, or other entity who installs, maintains, repairs,

or updates computer hardware or software or who provides technical support or assistance in the purchase, installation, maintenance, repair or updating of computer hardware or software;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(3) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in computer consulting for a consumer or client other than an employer.

(b) All fees and compensation collected by any computer consultant for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any computer consultant required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-53-320. Landscape architects.

(a) For purposes of this section:

(1) "Landscape architect" means any person, firm, partnership, corporation, limited liability company, or other entity who is a landscape architect as defined by § 17-36-102 or who engages in landscape architecture as defined by § 17-36-102, or who is licensed as a landscape architect by another state, who performs services in the State of Arkansas;

(2) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(3) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in landscape architecture for a consumer or client other than an employer.

(b) All fees and compensation collected by any landscape architect for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any landscape architect required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-321. Interior Designers.

(a) For purposes of this section:

(1) "Interior designer" means any person, firm, partnership, corporation, limited liability company, or other entity who installs, maintains, repairs, or updates computer hardware or software or who provides the service of designing or decorating the interiors of houses or buildings, counseling with respect to such designing or decoration, or the procurement of furniture, fixtures, or home or building decorations;

(2) "Employer" shall mean and include those who have a right to exercise control as to how, when, and where services are to be performed; and

(3) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in interior design for a consumer or client other than an employer.

(b) All fees and compensation collected by any interior designer for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any interior designer required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-322. Environmental consultants.

(a) For purposes of this section:

(1) "Environmental consultant" means any person, firm, partnership, corporation, limited liability company, or other entity who provides environmental consulting services;

(2) "Environmental consulting services" includes services provided by environmental scientists, engineers, and other experts and establishments that primarily engage in providing advice and assistance to businesses and other organizations on environmental issues, such as the control of environmental contamination from pollutants, toxic substances, and hazardous materials;

(3) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(4) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in environmental consulting for a consumer or client other than an employer.

(b) All fees and compensation collected by any environmental consultant for

services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any environmental consultant required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

26-52-323. Management consultants.

(a) For purposes of this section:

(1) "Management consultant" means any person, firm, partnership, corporation, limited liability company, or other entity who provides environmental consulting services;

(2) "Management consulting" means furnishing advice and assistance to businesses and other organizations on management issues, such as strategic and organizational planning; financial planning and budgeting; marketing objectives and policies; human resource policies, practices and planning; production scheduling; and control planning;

(3) "Employer" means those who have a right to exercise control as to how, when, and where services are to be performed; and

(4) "Services" means all acts, or work rendered, furnished, or performed for a valuable consideration by any person engaged in management consulting for a consumer or client other than an employer.

(b) All fees and compensation collected by any management consultant for services performed shall be subject to the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(c) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(d) Any management consultant required to collect and remit gross receipts tax on fees collected for services under this section shall obtain a sales tax permit as provided by § 26-52-501.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that revenue available for the support of necessary state services has declined during the last twelve (12) months as a result of the nationwide economic slowdown; that without additional revenue, some state services will be reduced or eliminated; that some Arkansans will suffer as a result of

service reductions or cuts; and that this act will provide the necessary revenue to avoid state service reductions or cuts. 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, 2003."

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Jackson, **HOUSE BILL NO. 2363** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2363

Amend **HOUSE BILL NO. 2363** as originally introduced:

Page 3, delete lines 7 through 9 and substitute the following:

"(7) Three (3) members appointed by the Vice-President for Agriculture of the University of Arkansas System to represent each Cooperative Extension Service district;

AND

Page 4, line 1, delete "Dean of the University of Arkansas College of Agriculture" and substitute "Vice President for Agriculture of the University of Arkansas System"

/s/ Phil Jackson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Schulte, **HOUSE BILL NO. 2336** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2336

Amend **HOUSE BILL NO. 2336** as originally introduced:

Page 5, line 10 after "subjects;" delete "and"

AND

Page 5, delete line 11 and substitute the following:

"(14)(A) Assume the Secretary of State responsibilities of home"

AND

Page 5, delete line 15 through 16 and substitute the following:

"at least fifteen thousand dollars (\$15,000).

(B) If the fund totals at least fifteen thousand dollars (\$15,000)"

AND

Page 5, line 17, delete "(\$50,000)" and substitute "(\$15,000)"

AND

Page 5, delete line 19 and substitute the following:

"the Secretary of State ninety (90) calendar days prior to the transfer; and

(15) Establish educational requirements for registration to begin after July 1, 2004, including the standards and procedures for approval of educational programs, if the maximum number of hours required shall not exceed ninety (90) hours."

AND

Page 5, delete lines 23 through 25 and substitute the following:

"renewal, require an inspector to submit in writing, inspection reports and other documents to be reviewed by the board."

AND

Page 7, delete line 7 and substitute the following:

"chapter; or"

AND

Page 7, delete lines 8 through 9.

AND

Page 10, line 10 delete "equivalent," and substitute "equivalent; and"

AND

Page 10 delete line 11.

AND

Page 10, line 13 delete "examination; and" and substitute "examination."

AND

Page 10, delete lines 14 through 17.

AND

Page 10, delete lines 35 through 36 and substitute the following:

“(c) The board may make reasonable charges for materials provided by the board and for services performed in connection with providing materials.”

/s/ Susan Schulte

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wood, **HOUSE BILL NO. 2326** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2326

Amend **HOUSE BILL NO. 2326** as originally introduced:

Page 1, line 28, after "no" and before "later" insert "no earlier than twenty (20) days prior to the preferential primary election and no"

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Wood, **HOUSE BILL NO. 2480** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2480

Amend **HOUSE BILL NO. 2480** as originally introduced:

Page 1, line 9, delete "REQUIRE" and substitute "ALLOW"

AND

Page 1, line 17, delete "REQUIRE" and substitute "ALLOW"

AND

Page 1, line 28, delete "shall" and substitute "may"

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Childers, **HOUSE BILL NO. 2349** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2349

Amend **HOUSE BILL NO. 2349** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 4, Chapter 28, Subchapter 2 is amended by adding an additional section to read as follows:

4-28-225. Conversion to public water authority.

(a) A corporation which meets the definition of a qualified corporation, as defined by § 4-35-103, may adopt a plan to convert its entity status from that of a nonprofit corporation to a water authority pursuant to §§ 4-35-101 through 4-35-217, unless the articles or bylaws require otherwise, if the conversion is approved:

(1) By a majority of the members of the board of directors of the corporation; and

(2) If the corporation has members, (2) by two-thirds (2/3) of the votes cast by the members, in person or by proxy, at a regular or special meeting of the members at which a quorum is present.

(b) For purposes of this section, and unless the articles or bylaws provide for

a higher or lower quorum, ten percent (10%) of the votes entitled to be cast on a matter must be represented at a meeting of members to constitute a quorum.

SECTION 2. Arkansas Code Title 4, Chapter 33, Subchapter 16 is amended to read as follows:

4-33-1601. Conversion to a public water authority.

A corporation which meets the definition of a qualified corporation, as defined by § 4-35-103, may adopt a plan to convert its entity status from that of a nonprofit corporation to a water authority pursuant to §§ 4-35-101 through 4-35-217, unless the articles or bylaws require otherwise, if the conversion is approved:

(1) By a majority of the members of the board of directors of the corporation; and

(2) If the corporation has members, by the lesser of:

(A) Two-thirds (2/3) of the votes cast by the members, in person or by proxy, at a regular or special meeting of the members at which a quorum, as defined in § 4-33-722, is present; or

(B) A majority of the members.

SECTION 3. Arkansas Code Title 4, Chapter 35 is amended to read as follows:

~~Chapter 35.~~

~~Water Provider Corporations.~~

~~Subchapter 1. General provisions.~~

~~4-35-101. Authorization.~~

~~(a) There is authorized the creation of water provider corporations.~~

~~(b) A water provider corporation shall be a public body and a body corporate and politic.~~

~~(c) A water provider corporation shall be organized to provide potable water and other associated service to Arkansas residents.~~

~~4-35-102. Filing for incorporation.~~

~~One (1) or more persons may act as the incorporator or incorporators of a corporation authorized by this subchapter by filing for incorporation in the same manner as for nonprofit corporations under the Arkansas Nonprofit Corporation Act of 1993, § 4-33-101 et seq.~~

~~4-35-103. Conversion of nonprofit corporations.~~

~~(a) A corporation organized under the Arkansas Nonprofit Corporation Act of 1993, § 4-33-101 et seq., or the Arkansas Nonprofit Corporation Act, §§ 4-28-201-~~

~~4-28-206 and §§ 4-28-209 – 4-28-224, may convert to a corporation authorized by this subchapter by filing, with the circuit court of the county in which the main office or principal place of business of the corporation is located, signed and verified articles of incorporation and a statement that the nonprofit corporation desires to convert to a corporation authorized by this subchapter.~~

~~(b) If the circuit court finds that the articles of incorporation conform to law and that the incorporation is for a lawful purpose and is in the best interests of the public, the court may issue an order approving conversion to a corporation authorized by this subchapter.~~

~~(c) If the court approves the conversion, the articles of incorporation in duplicate, signed and verified, and a copy of the order of the court approving the conversion shall be transmitted to the Secretary of State, who shall, when a fee of one hundred dollars (\$100) has been paid:~~

~~(1) File the original of the articles in his or her office; and~~

~~(2) Issue a certificate of incorporation to which he or she shall affix the other copy of the articles endorsed with the word "filed" and the month, day, and year of the filing and return the certificate of incorporation to the incorporators or their representative.~~

~~(d) The new corporation shall obtain all the assets, liabilities, and obligations of the nonprofit corporation and the obligations of the nonprofit corporation shall cease to exist on the date that the Secretary of State issues the certificate of incorporation.~~

~~4-35-104. Applicability of law.~~

~~(a) A corporation authorized by this subchapter shall be subject to the provisions of the Arkansas Nonprofit Corporation Act of 1993, § 4-33-101 et seq., except to the extent that the provisions of that chapter are in conflict with this subchapter.~~

~~(b) A corporation authorized by this subchapter shall have the right to perpetual succession as a body politic and corporate.~~

~~(c) In addition to other powers, the corporation may own and operate facilities necessary to provide potable water and associated services to Arkansas residents.~~

~~Subchapter 2. Public water authorities.~~

~~4-35-201. Legislative intent.~~

~~It is the intent of the General Assembly to provide a means by which a not for-profit corporation involved in the sale, transmission, and distribution of potable water~~

~~to members of the public and others may convert its entity status from that of a body corporate to that of a body politic, thereby allowing such an entity the opportunity to access the tax exempt capital markets and thereby assuring the State of Arkansas and the customers of such an entity of the lowest water rates possible.~~

~~4-35-202. Definitions.~~

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

- ~~(1) "Board" means the board of directors of a water authority;~~
- ~~(2) "Bond" means any bond, promissory note, lease purchase agreement, or other evidence of indebtedness of any nature along with all debt-securing instruments of every nature related thereto;~~
- ~~(3) "Commission" means the Arkansas Soil and Water Conservation Commission or its successors;~~
- ~~(4) "Indenture" means a mortgage, indenture of mortgage, deed of trust, trust agreement, loan agreement, security agreement, or trust indenture executed by the water authority as security for any bonds;~~
- ~~(5)(A) "Project" means any raw or potable water intake, treatment, distribution, transmission, storage, pumping, well site, well field, or other facility, or any combination of the foregoing, which has as its purpose the provision of raw or potable water to members of the public and commercial, industrial, or other users, along with any and all other appurtenances, equipment, betterments, or improvements related thereto.~~
- ~~(B) The above projects may include any lands or interest therein deemed by the board to be desirable in connection therewith, and necessary equipment for the proper functioning and operation of the buildings or facilities involved;~~
- ~~(6) "Qualified corporation" means any not for profit corporation which provides, distributes, transmits, treats, pumps, or stores raw or potable water to or for the benefit of members of the general public and commercial, industrial, and other users;~~
- ~~(7) "State" means the State of Arkansas;~~
- ~~(8) "United States" means the United States of America or any of its agencies or instrumentalities; and~~
- ~~(9) "Water authority" means that body politic and governmental entity organized pursuant to the provisions of this subchapter.~~

~~4-35-203. Construction.~~

- ~~(a) This subchapter shall be liberally construed in conformity with its intent.~~

~~(b) All acts and activities of a water authority performed pursuant to the authority of this subchapter are legislatively determined and declared to be essential governmental functions.~~

~~4-35-204. Authority generally.~~

~~(a) There is conferred upon a water authority the authority to take such action and to do, or cause to be done, such things as shall be necessary or desirable to accomplish and implement the purposes and intent of this subchapter according to the import of this subchapter.~~

~~(b) It is specifically understood that, except for the provisions of this subchapter, no other statutes shall govern or pertain to the creation of a water authority under this subchapter or the issuance of bonds by a water authority.~~

~~4-35-205. Authority and procedure to incorporate.~~

~~Whenever a qualified corporation desires to convert into and become reconstituted and reincorporated as a water authority under and pursuant to this subchapter, the qualified corporation shall present to and file with the Arkansas Soil and Water Conservation Commission:~~

~~(1) Its resolution duly adopted by the board of directors of the qualified corporation which evidences the desire of the qualified corporation to convert into and become reconstituted and reincorporated as a water authority and which shall additionally certify that the qualified corporation:~~

~~(A) Was initially formed as a not for profit corporation;~~

~~(B) Does not have the ability to directly access the tax exempt capital markets other than through a conduit issuer; and~~

~~(C) Desires to realize interest rate savings as a result of its conversion and reconstitution as a water authority pursuant to this subchapter;~~

~~(2) Its application for reconstitution and certificate of incorporation which shall state and include the following information:~~

~~(A) The name of the water authority, which shall be the "Public Water Authority of the State of Arkansas", or some other name of similar import, it being understood that the water authority may adopt a fictitious operational name upon written request to and approval by the commission;~~

~~(B) The location of the water authority's principal office and the number of directors of the water authority, which shall be subject to change and modification as provided in the water authority's bylaws;~~

~~(C) The names and addresses of the initial board of directors of the qualified corporation;~~

~~(D) The name and address of the agent for service of process of the qualified corporation;~~

~~(E) Any other matters that the initial board of directors of the qualified corporation may deem necessary and appropriate; and~~

~~(F) Any other matters that the commission may designate and require;~~

~~(3) A copy of the qualified corporation's bylaws, along with any other information which the initial board of directors of the qualified corporation may deem necessary and appropriate;~~

~~(4) A statement and certification from the Secretary of State that the proposed name of the water authority is not identical to that of any other water authority in the state or so nearly similar as to lead to confusion and uncertainty;~~

~~(5) That filing and review fee that the commission may designate and determine from time to time; and~~

~~(6) Any other information and documents which the commission may designate and require.~~

~~4-35-206. Execution and recording.~~

~~(a) An application for reconstitution and certificate of incorporation shall be signed and acknowledged by a majority of the board of directors of a qualified corporation.~~

~~(b)(1) When an application for reconstitution and certificate of incorporation and other required documents have been so filed with and accepted by the Arkansas Soil and Water Conservation Commission as evidenced by the issuance by the commission of its certificate of existence in that form that the commission may deem appropriate, the water authority referred to therein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the state under the name set forth in the certificate of incorporation, whereupon the water authority shall be vested with the rights and powers granted in this subchapter and contemporaneously therewith, the qualified corporation shall cease to exist and all assets and liabilities of every nature, including, without limitation, all real property, personal property, contractual obligations, lending obligations outstanding, rights afforded borrowers of federal and state funds, and other tangible and intangible assets and liabilities of every nature, without need for further action or approval by any third party, shall be vested in and shall accrue to the benefit of the water authority.~~

~~(2) All meetings and records of the water authority shall be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.~~

~~(3)(A)(i) A copy of a water authority's application for reconstitution and certificate of incorporation shall additionally be filed in the office of the Secretary of State after its receipt, acceptance, and approval by the commission.~~

~~(ii) The Secretary of State may require the payment of a reasonable filing and receipt fee not in excess of the filing fee charged by the Secretary of State in connection with the receipt and filing of a corporation's articles of incorporation.~~

~~(B) Filing a copy of the application for reconstitution and a copy of the certificate of incorporation, as accepted and approved by the commission, with the Secretary of State shall serve to terminate and dissolve the previous corporate existence of the qualified corporation.~~

~~4-35-207. Board of directors.~~

~~(a)(1) A water authority shall have a board of directors composed of the number of directors provided in its certificate of incorporation.~~

~~(2) All powers of a water authority shall be exercised by its board of directors or pursuant to its authorization.~~

~~(b)(1) Directors shall be elected and determined and shall serve in accordance with those procedures that a water authority may specify in its bylaws.~~

~~(2) A water authority's bylaws shall contain provisions and procedures for the election and appointment of its directors that are identical in nature to those same provisions and procedures as contained in the qualified corporation's bylaws, unless approval to modify and amend such procedures is expressly granted in writing by the Arkansas Soil and Water Conservation Commission.~~

~~(c)(1)(A) A majority of the members of a board shall constitute a quorum for the transaction of business.~~

~~(B) No vacancy in the membership of a board shall impair the right of a quorum to exercise all the powers and duties of a water authority.~~

~~(2) A director shall continue in office until the director's successor is properly elected and accepts office.~~

~~(d) The members of a board and the officers of a water authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in and about the performance of their duties.~~

~~(e) All proceedings of a board shall be reduced to writing by the secretary of the water authority and appropriately recorded and maintained in a well-bound book.~~

~~4-35-208. Officers.~~

~~(a) The officers of a water authority shall consist of a chair, vice chair,~~

~~secretary, treasurer, and such other officers as a board shall deem necessary to accomplish the purposes for which a water authority is organized.~~

~~(b) All officers of a water authority shall be persons who receive water service from the water authority.~~

~~(c) The offices of secretary and treasurer may, but need not, be held by the same person.~~

~~(d) All officers of a water authority shall be elected by the board and shall serve for those terms of office as specified in the bylaws.~~

~~4-35-209. Powers generally.~~

~~A water authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof:~~

- ~~(1) To have succession in its designated name;~~
- ~~(2) To sue and be sued and to prosecute and defend suits in any court having jurisdiction of the subject matter and of the parties;~~
- ~~(3) To make use of a seal and to alter it at pleasure;~~
- ~~(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;~~
- ~~(5) To acquire, whether by purchase, gift, lease, devise, or otherwise, property of every description which a board of directors may deem necessary to the acquisition, construction, equipment, improvement, enlargement, operation, administration, or maintenance of a project, and to hold title thereto;~~
- ~~(6) To construct, enlarge, equip, improve, maintain, administer, and operate one (1) or more projects;~~
- ~~(7) To borrow money for any of its purposes;~~
- ~~(8) To sell and issue its interest-bearing bonds;~~
- ~~(9) To sell and issue refunding bonds;~~
- ~~(10) To secure any of its bonds by pledge and indenture as provided in this subchapter;~~
- ~~(11) To appoint, employ, and compensate such general managers, executive directors, agents, architects, engineers, attorneys, accountants, and other persons and employees as the business of the water authority may require;~~
- ~~(12) To provide for such insurance as the board may deem advisable;~~
- ~~(13) To invest in obligations that are direct or guaranteed obligations of the United States or other securities in which public funds may be invested under the laws of this state, any of its funds that the board may determine are not presently needed for its operational purposes;~~
- ~~(14) To contract, lease, and make lease agreements respecting its~~

properties, or any part thereof;

~~(15) To exercise the power of eminent domain in accordance with the procedures prescribed by § 18-15-301 et seq.; and~~

~~(16) To sell, convey, or otherwise dispose of any of its properties that may have become obsolete or worn out, or that may no longer be needed or useful in connection with, or in the operation of, any project.~~

~~4-35-210. Tax exemption of projects.~~

~~Each project, and all income therefrom, is determined and declared by the General Assembly to be public property used exclusively for a public purpose and shall be exempt from ad valorem taxation by all taxing authorities.~~

~~4-35-211. Issuance of bonds.~~

~~(a) A water authority is authorized at any time and from time to time to issue its interest-bearing bonds for the purpose of acquiring, constructing, improving, enlarging, completing, and equipping one (1) or more projects.~~

~~(b)(1)(A) Prior to a water authority's proposed issuance of bonds, the water authority shall publish one (1) time in a newspaper of general circulation in the affected county or counties:~~

~~(i) Notice of the proposed issuance of bonds;~~

~~(ii) The approximate principal amount of bonds contemplated to be sold;~~

~~(iii) A general description of the project contemplated to be constructed with bond proceeds; and~~

~~(iv) The date of a public meeting at which members of the public may obtain further information regarding the sale of the bonds and the development of the project.~~

~~(B) Notice under subdivision (b)(1)(A) of this section shall be published at least ten (10) days prior to the date of the hearing described in subdivision (b)(1)(A)(iv) of this section.~~

~~(2) A water authority chair or his or her designee shall be responsible for conducting the hearing and shall require all public comments which might pertain to the proposed issuance of bonds by the water authority.~~

~~(3) Upon compliance with the provisions of this section, no other notice, hearing, or approval by any other entity or governmental unit shall be required as a condition to the issuance by a water authority of its contemplated bonds.~~

~~(c) The principal of and the interest on any bonds may be payable out of the~~

~~revenues derived from the projects with respect to which the bonds are issued or from any other source available to a water authority.~~

~~(d) None of the bonds of a water authority shall ever constitute an obligation or debt of the state, the city or county in which the water authority operates, the Arkansas Soil and Water Conservation Commission, or any officer or director of the water authority, or a charge against the credit or taxing powers of the state.~~

~~(e) As the water authority shall determine, bonds of the water authority may:~~

~~(1) Be issued at any time and from time to time as may be appropriate and necessary;~~

~~(2) Be in such form and denominations as may be appropriate and necessary;~~

~~(3) Have such date or dates as may be appropriate and necessary;~~

~~(4) Mature at such time or times and in such amount or amounts, provided that no bonds may mature more than forty (40) years after the date of issuance, as may be appropriate and necessary;~~

~~(5) Bear interest payable at such times and at such rate or rates as may be established by the board, as may be appropriate and necessary;~~

~~(6) Be payable at such place or places within or without the State of Arkansas, as may be appropriate and necessary;~~

~~(7) Be subject to such terms of redemption in advance of maturity at such prices, including such premiums, as may be appropriate and necessary; and~~

~~(8) Contain such other terms and provisions as may be appropriate or necessary.~~

~~(f)(1) Bonds of a water authority may be sold at either public or private sale in such manner and from time to time as may be determined by the board of directors to be most advantageous.~~

~~(2) The water authority may pay all expenses, premiums, and commissions that the board may deem necessary or advantageous in connection with the authorization, sale, and issuance of its bonds.~~

~~(g) All bonds shall contain a recital that they are issued pursuant to the provisions of this subchapter, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this subchapter.~~

~~(h) All bonds issued under the provisions of this subchapter shall be and are declared to be negotiable instruments within the meaning of the negotiable instruments law of the state and shall be in registered form.~~

~~4-35-212. Execution of bonds.~~

~~(a) Bonds shall be executed by the manual or facsimile signature of the chair~~

~~of the water authority and by the manual or facsimile signature of the secretary of the water authority.~~

~~(b) In case any of the officers whose signatures appear on the bonds shall cease to be such officer before the delivery of the bonds, their signatures shall nevertheless be valid and sufficient for all purposes.~~

~~(c) The bonds shall be sealed with the seal of the water authority.~~

~~4-35-213. Security for bonds.~~

~~(a) The principal of and interest on bonds may be secured by a pledge of the revenues of a water authority of that project financed by the water authority through its issuance of bonds or from any other source that the water authority may deem necessary and appropriate, and may be secured by the creation of a mortgage and security interest encumbering the real property of the water authority, or security interest in all personal property and revenues of the water authority as set forth in the indenture.~~

~~(b) The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state.~~

~~(c) The indenture may contain, all as the board of directors shall deem advisable and as shall not be in conflict with the provisions of this subchapter, any agreements and provisions customarily contained in instruments securing evidences of indebtedness, including, without limiting the generality of the foregoing:~~

~~(1) Provisions respecting the nature and extent of the security;~~

~~(2) The collection, segregation, and application of the revenues generated from the operation of any project covered by the indenture;~~

~~(3) Covenants to always operate the project as a revenue-producing undertaking and to charge and collect, including the obligation to increase from time to time, sufficient revenue to maintain income at required levels;~~

~~(4) The maintenance and insurance of the project;~~

~~(5) The creation and maintenance of reserve and other special funds;~~

~~and~~

~~(6) The rights and remedies available in the event of default to the holders of the bonds or the trustees under the indenture.~~

~~(d) If there is any default by a water authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the water authority that may properly be included in any indenture securing the bonds, the bondholders or the trustee under any indenture, as authorized in such indenture, may either in law or in equity, by suit, action, mandamus, or other proceeding, enforce payment of the principal or interest and compel performance of all duties of~~

~~the board and officers of the water authority and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the project covered by such indenture and the collection, segregation, and applications of income and revenues therefrom.~~

~~(e) The indenture may contain provisions regarding the rights and remedies of any trustee thereunder and the holders of the bonds and the coupons and restricting the individual rights of action of the holders of the bonds and coupons.~~

~~4-35-214. Bonds – Tax exemption.~~

~~(a) The principal of and interest on bonds issued under the authority of this subchapter shall be exempt from all state, county, and municipal taxes.~~

~~(b) This exemption shall include income, inheritance, and estate taxes.~~

~~4-35-215. Proceeds from issuance of bonds.~~

~~(a) The proceeds derived from all of the bonds other than refunding bonds may be used only to pay the costs of acquiring, constructing, improving, enlarging, and equipping the project with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued and all costs incidental thereto, including, without limitation:~~

~~(1) The costs of any land forming a part of the project and all easements which may pertain to or be associated with any project;~~

~~(2) The costs of the labor, materials, and supplies used in any construction, improvement, and enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids, along with all other reasonable and necessary project costs;~~

~~(3) The purchase price of and the cost of installing equipment for the project;~~

~~(4) Legal, fiscal, accounting, and recording fees and expenses incurred in connection with the authorization, sale, and issuance of the bonds issued in connection with the project;~~

~~(5) Interest on bonds for a reasonable period prior to, during, and after the time required for such construction and equipment;~~

~~(6) The amount necessary to fund a debt service reserve in an amount deemed appropriate by the water authority;~~

~~(7) Costs associated with the obtaining of default insurance, ratings, and other credit enhancements of every nature; and~~

~~(8) Other operational expenses, reserves, and other accounts of every~~

nature.

~~(b) If any of the proceeds derived from the issuance of bonds remains undisbursed after completion of the project and the making of all such expenditures, the balance shall be used for the redemption of bonds of the same issue.~~

~~4-35-216. Refunding bonds.~~

~~(a) A water authority, at any time and from time to time, may issue refunding bonds for the purpose of refunding the principal of and interest on any bonds of the water authority theretofore issued under this subchapter and then outstanding, whether or not the principal and interest shall have matured at the time of the refunding under this subchapter, and for the payment of any expenses incurred in connection with the refunding and any premium necessary to be paid in order to redeem or retire the bonds to be refunded.~~

~~(b) The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued.~~

~~(c)(1) Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof by immediate application or by escrow deposit, with the right to invest moneys in the escrow deposit until needed for the redemption, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby.~~

~~(2) However, the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they may be paid or redeemed by the water authority under their respective provisions.~~

~~(d) Any refunding bonds of the water authority shall be payable solely from the revenues out of which the bonds to be refunded were payable or from those other sources or other revenues which might be identified in the indenture.~~

~~(e) All provisions of this subchapter pertaining to bonds of the water authority that are not inconsistent with the provisions of this section shall apply also to refunding bonds issued by the water authority, to the extent applicable.~~

~~4-35-217. Dissolution.~~

~~(a) A water authority shall be dissolved upon the expiration of its term of existence as set forth in the water authority's application for reconstitution and certificate of incorporation, if the term of existence is less than perpetual in nature.~~

~~(b) A water authority may additionally be dissolved upon application to, and the approval in writing by, the Arkansas Soil and Water Conservation Commission.~~

CHAPTER 35. WATER AUTHORITY ACT
SUBCHAPTER 1 - GENERAL PROVISIONS

4-35-101. Legislative intent.

It is the intent of the General Assembly to provide a means by which a nonprofit corporation involved in the sale, transmission, and distribution of potable water to members of the general public and commercial, industrial, and other users may form, or convert its entity status from that of a body corporate to that of a public body politic and governmental entity, thereby allowing the entity the opportunity to access the tax-exempt capital markets and assuring the State of Arkansas and the customers of the entity of the lowest water rates possible.

4-35-102. Title.

This chapter shall be known and may be cited as the "Water Authority Act".

4-35-103. Definitions.

As used in this chapter:

(1) "Articles" means the articles of constitution or the articles of conversion and reconstitution of a water authority;

(2) "Board" means the board of directors of a qualified corporation or a water authority;

(3) "Bond" means any bond, promissory note, lease purchase agreement, or other evidence of indebtedness issued, incurred, or entered into by a water authority;

(4) "Commission" means the Arkansas Soil and Water Conservation Commission;

(5) "Indenture" means a mortgage, indenture of mortgage, deed of trust, trust agreement, loan agreement, security agreement, or trust indenture executed by the water authority as security for any bonds;

(6)(A) "Project" means any raw or potable water intake, treatment, distribution, transmission, storage, pumping, well site, well field, or other facility, or any combination of the foregoing, which has as its purpose the provision of raw or potable water to members of the public and commercial, industrial, or other users, along with any and all other appurtenances, equipment, betterments, or improvements related thereto.

(B) A project may include any lands or interest in land deemed by the board to be desirable in connection with the project, and necessary equipment for the proper functioning and operation of the buildings or facilities involved;

(7) "Qualified corporation" means any nonprofit corporation originally formed pursuant to the Arkansas Nonprofit Corporation Act of 1993 codified at § 4-33-101 et seq., the Arkansas Nonprofit Corporation Act codified at § 4-28-201 et seq., or a predecessor statute, which, among other things, provides, distributes, transmits, treats, pumps, or stores raw or potable water to or for the benefit of members of the general public and commercial, industrial, and other users or which proposes to accomplish, develop, or construct any of the foregoing;

(8) "State" means the State of Arkansas;

(9) "United States" means the United States of America or any of its agencies or instrumentalities;

(10) "Water authority" means that public body politic and governmental entity organized pursuant to the provisions of this chapter; and

(11) "Water users" means members of the public and commercial, industrial, and other users who purchase their raw or potable water directly from the water authority.

4-35-104. Construction.

(a) This chapter shall be liberally construed in conformity with its intent. To this end, it shall not be necessary to comply with the general provisions of other laws dealing with public facilities, their acquisition, construction, leasing, encumbering, or disposition, including particularly, without limitation, bidding and appraisal requirements.

(b) All acts and activities of a water authority performed pursuant to the authority of this chapter are legislatively determined and declared to be essential governmental functions.

4-35-105. Authority generally.

(a) There is conferred upon a water authority the authority to take action and to do, or cause to be done, the things that shall be necessary or desirable to accomplish and implement the purposes and intent of this chapter according to the import of this chapter.

(b) It is specifically understood that, except for the provisions of this chapter or the provisions of any other chapter which authorizes the conversion of a qualified corporation to a water authority, no other statutes shall govern or pertain to the creation of a water authority under this chapter or the issuance of bonds by a water authority.

(c) A water authority authorized by this chapter shall have the right to perpetual succession as a public body politic and governmental entity.

(d) The commission shall have the authority, including the powers set forth in § 15-20-206, to promulgate rules and regulations for carrying out the intent of this chapter.

4-35-106. No members.

A water authority shall not have members.

4-35-107. Freedom of Information Act.

All meetings and records of the water authority shall be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

4-35-108. Tax exemption of projects.

Each project by a water authority, and all income from each project, is determined and declared by the General Assembly to be public property used exclusively for a public purpose and shall be exempt from ad valorem taxation by all taxing authorities.

4-35-109. Exemption from jurisdiction of Arkansas Public Service Commission.

Water authorities organized under this chapter shall be exempt in any and all respects from the jurisdiction and control of the Arkansas Public Service Commission.

4-35-110. Revenues.

(a) A water authority formed pursuant to this chapter shall be operated without profit, but the rates, fees, rent, or other charges for water and other facilities, supplies, equipment, or services furnished by the water authority shall be sufficient at all times:

(1) To pay all operating and maintenance expenses necessary or desirable for the prudent conduct of its affairs and the principal of and interest on the obligations issued or assumed by the water authority in the performance of the purposes for which it was organized; and

(2) For the creation of adequate reserves.

(b) The revenues of the water authority shall be devoted first to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations, and thereafter to reserves for improvements, new construction, depreciation, and contingencies as the board of directors may from time to time prescribe and to such other purposes approved by the board, including

rebates to water users.

4-35-111. Dissolution.

(a)(1) A water authority shall be dissolved upon the expiration of its term of existence as set forth in the water authority's articles, if the term of existence is less than perpetual in nature.

(2) Upon the dissolution, a notice shall be filed with both the Arkansas Soil and Water Conservation Commission and the Secretary of State.

(b)(1) A water authority may also be dissolved upon filing articles of dissolution with, and the approval in writing by the commission.

(2) If approved by the commission, articles of dissolution shall also be filed with the Secretary of State.

(c) Upon dissolution, any assets of a water authority remaining after payment of claims and liabilities of the water authority shall be transferred to another water authority, with approval of the commission, or to the State of Arkansas or a subdivision of the state, including the commission.

SUBCHAPTER 2 - FORMATION OF AND CONVERSION TO
A PUBLIC WATER AUTHORITY

4-35-201. Authority and procedure to form a water authority.

Two (2) or more persons, which may include cities, counties, or other public bodies, may form a water authority authorized by this chapter by presenting to and filing with the Arkansas Soil and Water Conservation Commission the following:

(1) Articles of constitution which shall state and include the following information:

(A) The name of the water authority, which shall include the words "public water authority", it being understood that the water authority may adopt a fictitious operational name upon written request to and approval by the commission;

(B) The location of the water authority's principal office;

(C) The number of directors of the water authority, which shall be at least five (5) and shall be subject to change as provided in this chapter or in the water authority's bylaws;

(D) The names and addresses of the proposed initial board of directors of the water authority;

(E) The name and address of the agent for service of process of the water authority;

(F) The proposed geographic service area over which the water authority will have jurisdiction; and

(G) Any other matters that the proposed initial board of directors of the water authority may deem necessary and appropriate;

(2) A copy of the water authority's proposed bylaws, along with any other information which the proposed initial board of directors of the water authority may deem necessary and appropriate;

(3) A statement and certification from the Secretary of State that the proposed name of the water authority is not identical to that of any other water authority in the state or so nearly similar as to lead to confusion and uncertainty;

(4) The filing and review fee that the commission may designate and determine from time to time; and

(5) Any other information and documents which the commission may designate and require.

4-35-202. Authority and procedure to convert to a water authority.

(a) Whenever a qualified corporation desires to convert to and become reconstituted as a water authority under and pursuant to this chapter, the qualified corporation shall present to and file with the Arkansas Soil and Water Conservation Commission:

(1) A resolution adopted by the board of directors of the qualified corporation and, if the qualified corporation has members, the members of the qualified corporation, which evidences the desire of the qualified corporation to convert to and become reconstituted as a water authority and which shall additionally certify that the qualified corporation:

(A) Was initially formed as a nonprofit corporation;

(B) Does not have the ability to directly access the tax-exempt capital markets other than through a conduit issuer; and

(C) Desires to realize interest rate savings as a result of its conversion to and reconstitution as a water authority pursuant to this chapter;

(2) Articles of conversion and reconstitution which shall be signed by a majority of the water authority's proposed initial board of directors and which shall state and include the following information:

(A) The name of the water authority, which shall include the words "public water authority", it being understood that the water authority may adopt a fictitious operational name upon written request to and approval by the commission;

(B) The location of the water authority's principal office;

(C) The number of directors of the water authority, which number shall be at least five (5) and shall be subject to change as provided in this chapter or in the water authority's bylaws;

(D) The names and addresses of the proposed initial board of directors of the water authority;

(E) The name and address of the agent for service of process of the water authority;

(F) The proposed geographic service area over which the water authority will have jurisdiction; and

(G) Any other matters that the proposed initial board of directors of the water authority may deem necessary and appropriate;

(3) A copy of the water authority's proposed bylaws, along with any other information which the proposed initial board of directors of the water authority may deem necessary and appropriate;

(4) A statement and certification from the Secretary of State that the proposed name of the water authority is not identical to that of any other water authority in the state or so nearly similar as to lead to confusion and uncertainty;

(5) The filing and review fee that the commission may designate and determine from time to time; and

(6) Any other information and documents which the commission may designate and require.

(b) In the event the qualified corporation has members:

(1)(A) Membership approval is required for the qualified corporation to convert into and become reconstituted as a water authority.

(B) Approval shall be obtained in the manner determined prior to conversion under the qualified corporation's articles, bylaws, or applicable statutes; and

(2) After conversion, the water authority shall have no members.

4-35-203. Effect of formation - Filing with the Secretary of State.

(a) When articles of constitution or articles of conversion and reconstitution and other required documents have been filed with and accepted by the Arkansas Soil and Water Conservation Commission, as evidenced by the issuance by the commission of its certificate of existence in that form that the commission may deem appropriate, the water authority referred to in the articles shall come into existence and shall constitute a public body politic and governmental entity of the State of Arkansas under the name set forth in the certificate of existence, whereupon the water authority shall be vested with the rights and powers granted in this chapter;

contemporaneously therewith, with respect to a conversion the qualified corporation shall cease to exist, and all assets and liabilities of every nature, including, without limitation, all real property, personal property, contractual obligations, lending obligations outstanding, rights afforded borrowers of federal and state funds, and other tangible and intangible assets and liabilities of every nature, without need for further action or approval by any third party, shall be vested in and shall accrue to the benefit of the water authority.

(b)(1)(A) A copy of a water authority's articles of constitution or articles of conversion and reconstitution shall additionally be filed in the office of the Secretary of State after its receipt, acceptance, and approval by the commission.

(B) The Secretary of State may require the payment of a reasonable filing and receipt fee not in excess of the filing fee charged by the Secretary of State in connection with the receipt and filing of a corporation's articles of incorporation.

(2) Filing a copy of the articles of constitution or articles of conversion and reconstitution, as accepted and approved by the commission, with the Secretary of State shall serve to terminate and dissolve the previous corporate existence of the qualified corporation, effective as of the date of the issuance of the certificate of existence.

4-35-204. Board of directors.

(a) A water authority shall have a board of directors composed of at least five (5) members. The specific number of initial directors and their terms of office shall be provided in its articles filed with the Arkansas Soil and Water Conservation Commission. Changes to the number and terms of directors may be provided in the articles or bylaws.

(b)(1) The initial directors of a water authority shall be approved by the commission, and they shall serve in accordance with those procedures that a water authority may specify in its bylaws.

(2)(A) A director shall continue in office until the director's successor is properly elected and accepts office.

(B) Successor directors shall be elected either by the board or by the water users, as set forth in the bylaws.

(C) A director may serve successive terms.

(3) It is permissible for the bylaws of a water authority to provide that directors shall be selected from specific geographic areas within the total geographic area serviced by a water authority.

(4) In the event a water authority wants to modify or amend the

procedures for election of directors, approval shall be expressly granted in writing by the commission.

(c) Unless otherwise provided in the articles or bylaws, the following shall apply to meetings of the board:

(1)(A) If the time and place of a directors' meeting is fixed by the bylaws or the board, the meeting is a regular meeting. All other meetings are special meetings.

(B) A board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

(2)(A) Except as provided in subdivision (c)(2)(C) of this section, regular meetings of the board may be held without notice.

(B) Except as provided in subdivision (c)(2)(C) of this section, special meetings of the board shall be preceded by at least two (2) days' notice to each director of the date, time, and place, but not the purpose, of the meeting.

(C) Any board action to remove a director shall not be valid unless each director is given at least seven (7) days' written notice that the matter will be voted upon at a directors' meeting or unless notice is waived.

(D) The presiding officer of the board, the president, or twenty percent (20%) of the directors then in office may call and give notice of a meeting of the board.

(3)(A) A director may at any time waive any notice required by this chapter, the articles, or bylaws. Except as provided in subdivision (c)(3)(B) of this section, the waiver shall be in writing, signed by the director entitled to the notice, and filed with the minutes of the water authority's records. A signed waiver delivered by facsimile transmittal shall constitute a valid waiver of notice under this section.

(B) A director's attendance at or participation in a meeting waives any required notice of the meeting unless the director, upon arriving at the meeting or prior to the vote on a matter not noticed in conformity with this chapter, the articles or bylaws, objects to lack of notice and does not thereafter vote for or assent to the objected to action.

(4)(A) Except as provided in the bylaws, a majority of the members of a board shall constitute a quorum for the transaction of business, and a vote of a majority of a quorum shall constitute an act of the board.

(B) No vacancy in the membership of a board shall impair the right of a quorum to exercise all the powers and duties of a water authority.

(C) All powers of a water authority shall be exercised by its board of directors or pursuant to its authorization.

(d)(1)(A) Unless prohibited or limited by the articles or bylaws, a board of directors may create one (1) or more committees of the board and appoint members of the board to serve on them.

(B) Each committee shall have two (2) or more directors who shall serve at the direction of the board.

(2) A committee of the board may not:

(A) Authorize the issuance of bonds or any related matters;

(B) Approve or recommend dissolution or the sale, pledge, or transfer of all or substantially all of the water authority's assets;

(C) Elect, appoint, or remove directors or fill vacancies on the board or on any of its committees; or

(D) Adopt, amend, or repeal the articles or bylaws.

(e)(1) A director shall discharge his or her duties as a director, including his or her duties as a member of a committee:

(A) In good faith;

(B) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(C) In a manner the director reasonably believes to be in the best interests of the water authority.

(2) In discharging his or her duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(A) One (1) or more officers or employees of the water authority whom the director reasonably believes to be reliable and competent in the matters presented;

(B) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(C) A committee of the board of which the director is not a member, as to matters within its jurisdiction, if the director reasonably believes the committee merits confidence.

(f) The members of the board of a water authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties.

(g) All proceedings of a board shall be reduced to writing by the secretary of the water authority and appropriately recorded and maintained.

4-35-205. Officers.

(a) The officers of a water authority shall consist of a president, vice president, secretary, treasurer, and such other officers as the board of directors shall deem necessary to accomplish the purposes for which a water authority is organized.

(b) The offices of secretary and treasurer may be held by the same person.

(c) All officers of a water authority shall be elected by the board and shall serve for those terms of office as specified in the bylaws.

(d)(1) An officer may resign at any time by delivering notice to the water authority.

(2)(A) A resignation is effective when the notice is effective unless the notice specifies a future effective date.

(B) If a resignation is made effective at a future date and the water authority accepts the future effective date, its board of directors may fill the pending vacancy before the effective date if the board provides that the successor does not take office until the effective date.

(e) A board may remove any officer at any time with or without cause.

4-35-206. Notice.

(a) Notice may be communicated in person, by telegraph, teletype, telecopier, facsimile, or other similar form of wire or wireless communication, or by mail or private carrier.

(b) Written notice, if in a comprehensible form, is effective at the earliest of the following:

(1) When received;

(2) Two (2) days after its deposit in the United States mail, as evidenced by the postmark, if mailed correctly addressed and with first class postage affixed; or

(3) On the date shown on the return receipt, if sent by registered or certificated mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

4-35-207. Bylaws.

(a) The persons forming the water authority or the initial board of directors shall adopt bylaws for the water authority and shall file a copy of the executed bylaws with the Arkansas Soil and Water Conservation Commission.

(b) The bylaws may contain any provision for regulating and managing the

affairs of the water authority that is not inconsistent with law or the articles.

4-35-208. Amendment to articles or bylaws.

(a) A water authority may amend its articles or bylaws at any time by a majority of the members of the board of directors at any regular or special meeting.

(b) Any amendment to the articles of a water authority shall be delivered to and filed with both the Arkansas Soil and Water Conservation Commission and the Secretary of State setting forth:

(1) The name of the water authority;

(2) The text of each amendment adopted;

(3) The date of each amendment's adoption; and

(4) A statement that the amendment was approved by a sufficient vote of the board of directors.

(c)(1) Any amendment to the bylaws shall be filed by the secretary of the water authority with the books and records of the water authority.

(2) However, any change with respect to the number of directors or the procedure for electing or nominating directors shall first be approved in writing by the commission and, if approved, shall be filed with the commission.

(d) The commission shall approve in writing any amendment to the articles or bylaws which changes the geographic service area over which the water authority has jurisdiction.

4-35-209. Registered office and registered agent.

(a) Each water authority shall continuously maintain in this state:

(1) A registered office with the same address, which must include a street address, as that of the registered agent; and

(2) A registered agent, who is an individual residing in this state and whose office is identical with the registered office.

(b) A water authority may change its registered office or registered agent by delivering to the commission and the Secretary of State for filing a statement of change that sets forth:

(1) The name of the water authority;

(2) The street address of its current registered office;

(3) If the current registered office is to be changed, the street address of the new registered office;

(4) The name of its current registered agent; and

(5) If the current registered agent is to be changed, the name of the new registered agent.

4-35-210. Powers generally.

A water authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof:

- (1) To have succession in its designated name;
- (2) To sue and be sued and to prosecute and defend suits in any court having jurisdiction of the subject matter and of the parties;
- (3) To make use of a seal and to alter it at pleasure;
- (4) To adopt and alter bylaws for the regulation and conduct of its affairs and business;
- (5) To acquire, whether by purchase, gift, lease, devise, or otherwise, property of every description which a board of directors may deem necessary to the acquisition, construction, equipment, improvement, enlargement, operation, administration, or maintenance of a project, and to hold title thereto;
- (6) To construct, enlarge, equip, improve, maintain, administer, and operate one (1) or more projects;
- (7) To borrow money for any of its purposes;
- (8) To sell and issue its interest-bearing bonds;
- (9) To sell and issue refunding bonds;
- (10) To secure any of its bonds by pledge and indenture as provided in this subchapter;
- (11) To appoint, employ, and compensate such general managers, executive directors, agents, architects, engineers, attorneys, accountants, and other persons and employees as the business of the water authority may require;
- (12) To provide for such insurance as the board may deem advisable;
- (13) To invest in obligations that are direct or guaranteed obligations of the United States or other securities in which public funds may be invested under the laws of this state, any of its funds that the board may determine are not presently needed for its operational purposes;
- (14) To invest the proceeds of bonds or any debt service reserves or sinking funds securing the payment of the bonds in any obligations, securities, repurchase agreements or investment agreements authorized or permitted by the resolution of the water authority authorizing the same or the indenture securing the same;
- (15) To contract, lease, and make lease agreements respecting its properties, or any part thereof, as lessor or lessee, including financing lease agreements;
- (16) To exercise the power of eminent domain in accordance with the

procedures prescribed by §§ 18-15-301 through 18-15-309:

(17) To sell and convey, mortgage, pledge or otherwise dispose of any of its properties, assets, franchises, rights, privileges, licenses, rights of way and easements;

(18) To own and operate facilities necessary to provide potable water and associated services to Arkansas residents;

(19) To fix, regulate, and collect rates, fees, and rents, or other charges for water and any other facilities, supplies, equipment, or services furnished by the water authority;

(20) To do and perform all acts and things and have and exercise any and all powers as may be convenient or appropriate to effectuate the purposes for which the water authority is formed;

(21) To purchase, receive, or in any manner acquire, own, hold, and use any and all real and personal property or any interest therein on such terms as determined by the board of directors of the water authority to be in the best interest of the water authority; and

(22) To enter into water contracts for the purchase or sale of water on a wholesale basis, on such terms and conditions as the board of directors shall determine is in the best interest of the water authority.

SUBCHAPTER 3 - BOND PROVISIONS

4-35-301. Issuance of bonds.

(a) A water authority is authorized at any time and from time to time to issue its interest-bearing bonds for the purpose of acquiring, constructing, improving, enlarging, completing, and equipping one (1) or more projects.

(b)(1)(A) Prior to a water authority's proposed issuance of bonds, the water authority shall publish one (1) time in a newspaper of general circulation in the affected county or counties in which the project or projects are or will be located:

(i) Notice of the proposed issuance of bonds;

(ii) The maximum principal amount of bonds contemplated to be sold;

(iii) A general description of the project contemplated to be financed or refinanced with bond proceeds; and

(iv) The date, time, and location of a public meeting at which members of the public may obtain further information regarding the bonds and the development of the project.

(B) Notice under subdivision (b)(1)(A) of this section shall be

published at least ten (10) days prior to the date of the hearing described in subdivision (b)(1)(A)(iv) of this section.

(2) A water authority president or his or her designee shall be responsible for conducting the hearing and shall require all public comments which might pertain to the proposed issuance of bonds by the water authority.

(3) Upon compliance with the provisions of this section, no other notice, hearing, or approval by any other entity or governmental unit shall be required as a condition to the issuance by a water authority of its contemplated bonds.

(4) The requirements of this subsection shall not apply to the issuance of bonds to refund bonds of the water authority for which a public hearing was held.

(c) The principal of and the interest on any bonds may be payable out of the revenues derived from the projects with respect to which the bonds are issued or from any other source available to a water authority.

(d) None of the bonds of a water authority shall ever constitute an obligation or debt of the state, the city, or county in which the water authority operates, the Arkansas Soil and Water Conservation Commission, or any officer or director of the water authority, or a charge against the credit or taxing powers of the state.

(e) As the water authority shall determine, bonds of the water authority may:

(1) Be issued at any time and from time to time as may be appropriate and necessary;

(2) Be in such form and denominations as may be appropriate and necessary;

(3) Have such date or dates as may be appropriate and necessary;

(4) Mature at such time or times and in such amount or amounts, provided that no bonds may mature more than forty (40) years after the date of issuance, as may be appropriate and necessary;

(5) Bear interest payable at such times and at such rate or rates as may be established by the board, as may be appropriate and necessary;

(6) Be payable at such place or places within or without the State of Arkansas, as may be appropriate and necessary;

(7) Be subject to such terms of redemption in advance of maturity at such prices, including such premiums, as may be appropriate and necessary; and

(8) Contain such other terms and provisions as may be appropriate or necessary.

(f)(1) Bonds of a water authority may be sold at either public or private sale in such manner and from time to time as may be determined by the board of directors to be most advantageous.

(2) The water authority may pay all expenses, premiums, and commissions that the board may deem necessary or advantageous in connection with the authorization, sale, and issuance of its bonds.

(g) All bonds shall contain a recital that they are issued pursuant to the provisions of this chapter, which recital shall be conclusive that they have been authorized pursuant to the provisions of this chapter.

(h) All bonds issued, other than financing leases, under the provisions of this chapter shall be negotiable instruments within the meaning of the negotiable instruments law of the state and shall be in registered form.

(i) All bonds issued under this chapter shall be approved by resolution adopted by the board of directors of the water authority.

4-35-302. Execution of bonds.

(a) Bonds shall be executed by the manual or facsimile signature of the president of the water authority and by the manual or facsimile signature of the secretary of the water authority.

(b) In case an officer whose signature appears on the bonds shall cease to be such officer before the delivery of the bonds, his or her signature shall nevertheless be valid and sufficient for all purposes.

(c) If there is a seal, the bonds shall be sealed with the seal of the water authority.

4-35-303. Security for bonds.

(a) The principal of and interest on bonds may be secured by a pledge of the revenues of a water authority of that project financed by the water authority through its issuance of bonds or from any other source that the water authority may deem necessary and appropriate, and may be secured by the creation of a forecloseable mortgage and security interest encumbering the real property of the water authority, or security interest in all personal property and revenues of the water authority as set forth in the indenture.

(b) The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state.

(c) The bond resolution of the water authority authorizing the bonds or indenture may contain, all as the board of directors shall deem advisable and as shall not be in conflict with the provisions of this subchapter, any agreements and provisions customarily contained in instruments securing evidences of indebtedness, including, without limiting the generality of the foregoing:

(1) Provisions respecting the nature and extent of the security;

(2) The collection, segregation, and application of the revenues generated from the operation of any project covered by the bonds, the resolution, or the indenture;

(3) Covenants to always operate the project as a revenue-producing undertaking and to charge and collect, including the obligation to increase from time to time, sufficient revenue to maintain income at required levels;

(4) The maintenance and insurance of the project;

(5) The creation and maintenance of reserve and other special funds;
and

(6) The rights and remedies available in the event of default to the holders of the bonds or the trustees under the indenture, bond, or resolution.

(d) If there is any default by a water authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the water authority that may properly be included in any indenture, bond, or resolution securing the bonds, the bondholders or the trustee under any bond, resolution, or indenture, as authorized in the bond, resolution, or indenture, may either in law or in equity, by suit, action, mandamus, or other proceeding, enforce payment of the principal or interest and compel performance of all duties of the board and officers of the water authority and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of the receiver for the operation and maintenance of the project covered by the indenture, bond, or resolution and the collection, segregation, and applications of income and revenues therefrom.

(e) The indenture, bond, or resolution may contain provisions regarding the rights and remedies of any trustee thereunder and the holders of the bonds and the coupons and restricting the individual rights of action of the holders of the bonds and coupons.

(f)(1) In the event of a default in the payment of the principal of or interest on any bonds issued under the provisions of this chapter, any court having jurisdiction may appoint a receiver to take charge of the facilities upon or in which there is a mortgage lien or security interest securing the bonds in default.

(2) The receiver shall have the power and authority to operate and maintain the facilities in receivership and to charge and collect payments, fees, rents, and charges sufficient to provide for the payment of any costs of receivership and operating expenses of the project in receivership and to apply the revenues derived from the facilities in receivership in conformity with this chapter and the resolution or trust indenture securing the bonds in default.

(3) When the default has been cured, the receivership shall be ended

and the facilities returned to the water authority.

(g) The relief provided for in this section shall be construed to be in addition and supplemental to the other remedies provided for in this chapter and the remedies that may be provided for in the resolution or trust indenture authorizing or securing the bonds, and shall be so granted and administered as to accord full recognition to priority rights of bondholders as to the pledge of revenues from and mortgage lien on or security interest in facilities as specified in and fixed by the resolution or trust indenture authorizing or securing successive issues of bonds.

4-35-304. Bonds - Tax exemption.

(a) The principal of and interest on bonds issued under the authority of this subchapter shall be exempt from all state, county, and municipal taxes.

(b) This exemption shall include income, inheritance, and estate taxes.

4-35-305. Proceeds from issuance of bonds.

(a) The proceeds derived from all of the bonds other than refunding bonds may be used only to pay the costs of acquiring, constructing, improving, enlarging, and equipping the project with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued and all costs incidental thereto, including, without limitation:

(1) The costs of any land forming a part of the project and all easements which may pertain to or be associated with any project;

(2) The costs of the labor, materials, and supplies used in any construction, improvement, and enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids, along with all other reasonable and necessary project costs;

(3) The purchase price of and the cost of installing equipment for the project;

(4) Legal, fiscal, accounting, and recording fees and expenses incurred in connection with the authorization, sale, and issuance of the bonds issued in connection with the project;

(5) Interest on bonds for a reasonable period prior to, during, and after the time required for the construction and equipment;

(6) The amount necessary to fund a debt service reserve in an amount deemed appropriate by the water authority;

(7) Costs associated with the obtaining of default insurance, ratings, and other credit enhancements of every nature; and

(8) Other operational expenses, reserves, and other accounts of every

nature.

(b) If any of the proceeds derived from the issuance of bonds remains undisbursed after completion of the project and the making of all such expenditures, the balance shall be used to pay principal of and interest on the bonds to fund a debt service reserve or for the redemption of bonds of the same issue.

4-35-306. Refunding bonds.

(a) A water authority, at any time and from time to time, may issue refunding bonds for the purpose of refunding the principal of and interest on any bonds of the water authority theretofore issued under this subchapter or bonds originally issued by the qualified corporation and then outstanding, whether or not the principal and interest shall have matured at the time of the refunding under this subchapter, and for the payment of any expenses incurred in connection with the refunding and any premium necessary to be paid in order to redeem or retire the bonds to be refunded.

(b) The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued.

(c)(1) Any of the refunding may be effected either by sale of the refunding bonds and the application of the proceeds by immediate application or by escrow deposit, with the right to invest moneys in the escrow deposit until needed for the redemption, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby.

(2) However, the holders of any bonds to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they may be paid or redeemed by the water authority under their respective provisions.

(d) Any refunding bonds of the water authority shall be payable solely from the revenues out of which the bonds to be refunded were payable or from those other sources or other revenues which might be identified in the indenture or resolution authorizing the bonds.

(e) All provisions of this chapter pertaining to bonds of the water authority that are not inconsistent with the provisions of this section shall apply also to refunding bonds issued by the water authority, to the extent applicable.

SECTION 4. Transitional rule.

(a)(1) With respect to any water authority which was formerly a qualified corporation, as defined in § 4-35-103, and which converted to and became reconstituted as a water authority pursuant to Act 117 of 2001, had members prior to the conversion, and did not cause a member vote to be taken with respect to the

conversion, then in the event any such water authority causes a vote to be taken of its former members to approve the conversion, such vote of the members shall be retroactive to the original date of conversion.

(2) "Former members" means those members who existed as of the day of the conversion.

(b)(1) This transitional rule applies to any water authority that:

(A) Was formed prior to the effective date of this act; and

(B) Causes its prior members to vote to ratify and approve its conversion on or before January 1, 2005.

(2) This transitional rule shall have no effect with respect to a water authority formed prior to the effective date of this act and which did not or does not cause a member vote to be taken in connection with a conversion.

(c) With respect to those entities formed pursuant to the provisions of Acts 1999, No. 1003, or Acts 2001, No. 117, prior to the effective date of this act, they shall immediately be governed by the provisions of §§ 4-35-101 through 4-35-306 at the time this act becomes effective.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the statutes relating to water authorities and related laws need amending in order to better reflect the intent and operation of those laws as originally drafted and to be consistent with current trends. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Marvin Childers

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adams, **HOUSE BILL NO. 1934** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1934

Amend **HOUSE BILL NO. 1934** as originally introduced:

Page 1, line 9 delete "OFFENSE" and substitute "DEFENSE"

AND

Page 1, line 15 delete "OFFENSE" and substitute "DEFENSE"

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adams, **HOUSE BILL NO. 1933** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1933

Amend **HOUSE BILL NO. 1933** as originally introduced:

Page 1, delete lines 27 and 28 and substitute:

"from taking any action authorized under any other provision of the Arkansas Code or the Arkansas Rules of Civil Procedure."

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adams, **HOUSE BILL NO. 1933** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1933

Amend **HOUSE BILL NO. 1933** as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. (a)(1) Any person who violates the conditions of a no contact order issued by a court of competent jurisdiction under Arkansas Code § 5-4-303(c)(6) or Rule 9.3 of the Arkansas Rules of Criminal Procedure is guilty of violation of a no contact order.

(2) A violation of a no contact order is a Class A misdemeanor if the offense for which the no contact order was issued was a misdemeanor offense.

(3) A violation of a no contact order is a Class D felony if the offense for which the order was issued was a felony offense.

(b) Nothing in this act shall be deemed to prevent a judicial officer from taking any action authorized under any other provision of the Arkansas Code or the Arkansas Rules of Criminal Procedure.

(c) A law enforcement officer may arrest and take into custody, without a warrant, any person who the law enforcement officer has probable cause to believe is subject to a no contact order issued under the laws of this state, and who the officer has probable cause to believe has violated the terms of the order, even if the violation did not take place in the presence of the law enforcement officer.

(d) Any law enforcement officer acting in good faith and exercising due care in making an arrest for the violation of a no contact order shall have immunity from civil liability.”

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Bolin, **HOUSE BILL NO. 1176** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1176

Amend **HOUSE BILL NO. 1176** as originally introduced:

Page 1 delete lines 22 through 26 and substitute the following:

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

(a) Any person licensed as a physician, ~~or surgeon,~~ or practitioner 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.

(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 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.

(c)(1) No physician, ~~or surgeon,~~ or practitioner 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.

(2) The immunity granted by this subsection shall not apply in the event of an act or omission constituting gross negligence.

(d)(1) 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.

(2) For the purposes of this section, "practitioner" means a person licensed by the Arkansas State Board of Acupuncture and Related Techniques."

/s/ Johnnie Bolin

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative C. Taylor, **HOUSE BILL NO. 1526** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1526

Amend **HOUSE BILL NO. 1526** as originally introduced:

Page 1, delete lines 9 through 11, and substitute the following:

"AN ACT TO ENHANCE AND UPDATE THE ARKANSAS TAX-DEFERRED TUITION SAVINGS PROGRAM; AND FOR OTHER PURPOSES."

AND

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

"TO ENHANCE AND UPDATE THE ARKANSAS TAX-DEFERRED TUITION SAVINGS PROGRAM"

Page 1, delete Section 1 and substitute the following additional sections:

"SECTION 1. Arkansas Code § 6-84-102, concerning the purpose of the Arkansas Tax-Deferred Tuition Savings Program, is amended to read as follows:

6-84-102. Purpose.

It is the intent and purpose of this chapter to create and establish the Arkansas Tax-Deferred Tuition Savings Program pursuant to 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003, to be administered by the Arkansas Teacher Retirement System through the adoption of rules and regulations for the administration of the program.

SECTION 2. Arkansas Code § 6-84-103, concerning definitions for the Arkansas Tax-Deferred Tuition Savings Program, is amended to read as follows:

6-84-103. Definitions.

For purposes of this chapter:

(1) "Account" means an individual trust account or savings account established in accordance with this chapter;

(2) "Account owner" means the individual or individuals other than the designated beneficiary identified at the time the account is opened as having the right to withdraw funds from the account;

(3) "Act" means the "Arkansas Tax-Deferred Tuition Savings Program Act of 1999";

(4) "Arkansas Tax-Deferred Tuition Savings Program Trust" or "trust" means the trust created under § 6-84-104. Participation in the trust shall be open to Arkansas residents and nonresidents alike;

(5) "Committee" means the investment committee provided for in § 6-84-105, which shall oversee the administration of the Arkansas Tax-Deferred Tuition Savings Program and ensure that the program complies with the provisions of this chapter and acts in accordance with 26 U.S.C. § 529;

(6) "Designated beneficiary" means, except as provided in § 6-84-108, the individual designated at the time the account is opened as having the right to receive a qualified withdrawal for the payment of qualified higher education expenses or, if such designated beneficiary is replaced in accordance with § 6-84-108, such replacement;

(7) "Higher education institution" means an eligible education institution as defined in 26 U.S.C. § ~~135(e)(3)~~ 529(e) as in effect on January 1, ~~1999~~ 2003;

(8) "Member of the family" shall have the same meaning as is contained in 26 U.S.C. § 529(e) as in effect on January 1, ~~1999~~ 2003;

(9) "Nonqualified withdrawal" means a withdrawal from an account that is not:

(A) A qualified withdrawal;

(B) A withdrawal made as the result of the death or disability of the designated beneficiary;

(C) A withdrawal made as the result of a scholarship, or allowance or payment described in 26 U.S.C. § 135(d)(1) ~~(B) or (C)~~ as in effect on January 1, ~~1999~~ 2003, received by the designated beneficiary but only to the extent of the amount of such scholarship, allowance, or payment; or

(D) A rollover or change in the designated beneficiary described in § 6-84-108;

(10) "Program" means the Arkansas Tax-Deferred Tuition Savings Program established by this chapter;

(11) "Qualified higher education expenses" means tuition and other permitted expenses as presently set forth in 26 U.S.C. § 529(e) as in effect on January 1, ~~1999~~ 2003, for the enrollment or attendance of a designated beneficiary at a higher education institution;

(12) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary but only if the withdrawal is made in accordance with the requirements of the program; ~~and~~

(13) "System" means the Arkansas Teacher Retirement System, which is organized and governed pursuant to § 24-7-101 et seq.; and

(14) "Qualified tuition program" means a program established and administered by a state or agency or instrumentality thereof or an eligible education institution as set forth in 26 U.S.C. § 529(b) as in effect on January 1, 2003.

SECTION 3. Arkansas Code § 6-84-105, concerning administration of the Arkansas Tax-Deferred Savings Program, is amended to read as follows:

6-84-105. Administration - Authority - Powers.

(a) This chapter shall be administered by the Arkansas Tax-Deferred Tuition Savings Program Investment Committee, which shall be composed of:

(1) The Arkansas Teacher Retirement System's investment committee; and

(2) The Director of the Department of Higher Education.

(b) The Arkansas Tax-Deferred Tuition Savings Program Investment Committee shall adopt such rules and regulations as it deems necessary and proper to administer this subchapter and to ensure the program's compliance with 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003.

(c) The Arkansas Tax-Deferred Tuition Savings Program Investment Committee shall have the following powers, duties, and functions:

(1) To establish, develop, implement, and maintain the program in a manner consistent with the provisions of this subchapter and 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003, to obtain the benefits provided by such section for the program and its participants;

(2) To adopt rules and regulations for the general administration of the program;

(3) To maintain, invest, and reinvest the funds contributed into the program consistent with the investment restrictions established by the committee and the standard of care described in the prudent investor rule presently codified as § 24-3-417; and

(4)(A) To make and enter into any and all contracts, agreements, or arrangements and to retain, employ, and contract for the services of financial institutions, depositories, consultants, broker dealers, investment advisors or managers, third party plan administrators, and research, technical, and other services necessary or desirable for carrying out the purposes of this subchapter.

(B) Such contracts entered into by the committee may be for a term of from one (1) to ten (10) years.

SECTION 4. Arkansas Code § 6-84-106, concerning the investment of funds held in the Arkansas Tax-Deferred Tuition Savings Program, is amended to read as follows:

6-84-106. Investment direction.

Except as permitted in 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003, and regulations thereunder as in effect on January 1, ~~1999~~ 2003, no person shall have the right to direct the investment of any contributions to or earnings from the Arkansas Tax-Deferred Tuition Savings Program.

SECTION 5. Arkansas Code § 6-84-109, concerning the penalty provisions of the Arkansas Tax-Deferred Tuition Savings Program, is amended to read as follows:

6-84-109. Account withdrawals - Penalties.

(a) Withdrawal from an account may be made on thirty (30) days' written notice to the Arkansas Tax-Deferred Tuition Savings Program Investment Committee or on such shorter notice as the committee may by regulation provide.

(b) A withdrawal shall be designated as a qualified withdrawal or a nonqualified withdrawal, and the application shall provide such information and be made on such forms as the committee shall find are necessary to enable the committee to determine the nature of the withdrawal.

(c) ~~The committee shall establish a more than de minimis penalty, at the minimum amount necessary to satisfy the requirements of~~ The penalty imposed by this section upon withdrawals not used for qualified higher education expenses shall be equal to ten percent (10%) of the amount of the additional tax provided in 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003, for a nonqualified withdrawal on the portion of the withdrawal that constitutes is includible in gross income under 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003.

(d) An account withdrawal paid to or for the benefit of any person during any calendar year shall be reported to the person and the Internal Revenue Service. The report shall be made at the time and contain such information as is required by law.

(e) Penalties collected under this section may be used to defray the costs of the Arkansas Tax-Deferred Tuition Savings Program.

SECTION 6. Arkansas Code § 6-84-111, concerning the taxation of all Tuition Savings Program contributions, earnings and distributions, is amended to read as follows:

6-84-111. Funds exempt from tax.

(a) Except as otherwise indicated in this chapter, interest, dividends, and capital gains from funds invested in ~~the Arkansas Tax-Deferred Tuition Savings Program~~ a qualified tuition program shall be exempt from Arkansas income taxes.

(b) Contributions to a ~~tuition-savings account established under this program~~ qualified tuition program may not be excluded or deducted from the contributor's income for the purpose of calculating Arkansas income tax.

(c)(1) Qualified withdrawals from a ~~tuition-savings account established under this program~~ qualified tuition program will be exempt from Arkansas income tax with respect to the designated beneficiary's income as follows:

(A) Distributions from qualified tuition programs established and administered by a state or agency or instrumentality thereof made on or after January 1, 2003; and

(B) Distributions from qualified tuition programs established and administered by eligible educational institutions as defined under 26 U.S.C. § 529(e) made on or after January 1, 2004.

(2)(A) Nonqualified withdrawals from a ~~tuition-savings account established under this program~~ qualified tuition program will be subject to Arkansas income tax.

(B) The nonqualified withdrawal will be taxable to the party, account owner or designated beneficiary, who actually makes the withdrawal.

(d) If an account owner receives a refund of contributions to a ~~tuition-savings account established under this program~~ qualified tuition program because of either:

(1) The death or disability of the designated beneficiary; or

(2) A scholarship, or allowance or payment described in 26 U.S.C. § 135 (d)(1)(B) or (C) as in effect on January 1, ~~1999~~ 2003, received by the designated beneficiary then any earnings on the contribution that are included in the refund will be subject to Arkansas income tax.

SECTION 7. Arkansas Code § 6-84-113, concerning the construction of the Arkansas Tax-Deferred Tuition Savings Program, is amended to read as follows:

6-84-113. Liberal construction.

This chapter shall be liberally construed to comply with the requirement of 26 U.S.C. § 529 as in effect on January 1, ~~1999~~ 2003.”

AND

Appropriately renumber the remaining section of the bill.

/s/ Chaney Taylor

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative C. Taylor, **HOUSE BILL NO. 2886** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2886

Amend **HOUSE BILL NO. 2886** as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Purpose.

(a) Under Act 889 of 1999, the Arkansas Court of Appeals Apportionment Commission was created to review the electoral districts for the Court of Appeals and make a recommendation on the changes to be made effective January 1, 2004. The commission has reviewed the current districts and the data from the 2000 census, received input from judges, lawyers, and the general public, and considered the requirements and restrictions of federal and state law. Because of major shifts in population which have occurred since the current districts were created utilizing the 1970 census, a realignment of these districts is necessary.

(b) The Arkansas Court of Appeals consisted of six (6) judges when it was first created. The number of members grew to nine (9) judges in 1996, and to twelve (12) judges in 1997.

(c) It is the purpose of this act to create new electoral districts for the Arkansas Court of Appeals and to establish the dates for electing the judges within each of these districts.

SECTION 2. Court of Appeals districts.

(a)(1) District 1 shall be composed of Clay, Greene, Craighead, Poinsett, White, Woodruff, Cross, Mississippi, Crittenden, St. Francis, Lee, Monroe, and Phillips counties.

(2) The judgeships currently designated as District 1, Position 1 and 2 shall continue to be designated as District 1, Position 1 and 2.

(b)(1) District 2 shall be composed of Boone, Marion, Baxter, Fulton, Sharp, Randolph, Jackson, Lawrence, Independence, Izard, Stone, Searcy, Newton, Pope, Van Buren, Cleburne, Conway, and Faulkner counties.

(2) The judgeships currently designated as District 2, Positions 1 and 2 shall continue to be designated as District 2, Positions 1 and 2.

(c)(1) District 3 shall be composed of Benton, Carroll, Washington, Madison, Crawford, Franklin, and Johnson counties.

(2) The judgeships currently designated as District 3, Positions 1 and 2 shall continue to be designated as District 3, Positions 1 and 2.

(d)(1) District 4 shall be composed of Sebastian, Logan, Scott, Yell, Perry, Polk, Montgomery, Garland, Howard, Pike, Clark, Sevier, Little River, Miller, and Hot Spring counties.

(2) The judgeships currently designated as District 4, Positions 1 and 2 shall continue to be designated as District 4, Positions 1 and 2.

(e)(1) District 5 shall be composed of Lonoke, Prairie, Grant, Jefferson, Arkansas, Dallas, Cleveland, Lincoln, Hempstead, Nevada, Ouachita, Calhoun, Bradley, Drew, Lafayette, Columbia, Union, Desha, Chicot, and Ashley counties.

(2) The judgeships currently designated as District 5, Position 1 and 2 shall continue to be designated as District 5, Position 1 and 2.

(f)(1) District 6 shall be composed of Pulaski and Saline counties.

(2) The judgeships designated as District 6, Positions 1 and 2 shall continue to be designated as District 6, Positions 1 and 2.

SECTION 3. Court of Appeals elections.

(a)(1) The elections under this section 3 shall be for an eight (8) year term.

(2) The date of election for each of the twelve (12) positions of the Court of Appeals shall be subject to election at each general election on the following schedule:

(A) The following positions as designated in section 2 of this act shall be subject to election in 2004:

- (i) District 1, Position 2;
- (ii) District 2, Position 2;
- (iii) District 3, Position 2;
- (iv) District 4, Position 1;
- (v) District 4, Position 2;
- (vi) District 5, Position 1;
- (vii) District 5, Position 2; and
- (viii) District 6, Position 2.

(B) The following positions as designated in section 2 of this act shall be subject to election in 2008:

- (i) District 1, Position 1; and
- (ii) District 6, Position 1.

(C) The following positions as designated in section 2 of this act shall be subject to election in 2010:

- (i) District 2, Position 1; and
- (ii) District 3, Position 1.

SECTION 4. Each currently serving member of the Court of Appeals shall continue in office until his or her position shall be subject to election, as provided for under this act, regardless of the date otherwise set as the expiration of his or her term, and regardless of any changes in the geographical boundaries in the district from which he or she was elected.”

/s/ Chaney Taylor

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative P. Bookout, **HOUSE BILL NO. 2752** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2752

Amend **HOUSE BILL NO. 2752** as originally introduced:

Page 1, delete lines 20 through 27 and substitute the following:

"23-15-216. Disposition of funds.

(a)(1) On receipt of the fees, and charges, ~~and penalties~~ provided for in this subchapter, the Secretary of the Arkansas Public Service Commission shall pay the fees, charges, ~~and penalties~~ into the State Treasury.

(2) The amounts received by the Treasurer of State under subdivision (a)(1) of this section shall be credited by him or her as special revenues and designated as the "Public Service Commission Utility Safety Fund", which will be a separate fund account established by the Treasurer of State.

(b) On receipt of the penalties provided for in this subchapter, the Secretary of the Arkansas Public Service Commission shall transmit the penalties to the Treasurer of State for deposit into the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund."

/s/ Paul Bookout

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1634** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1634

Amend **HOUSE BILL NO. 1634** as originally introduced:

Page 1, delete line 28 and substitute the following:

"of § 3-9-202(10) which hold any permit from the Alcoholic Beverage"

AND

Page 1, delete lines 31 through 33 and substitute the following:

"(2)(A) Except as provided in subdivision (2)(B) of this section, the gross receipts derived from services provided by or through a health spa, health club,

fitness club, or private club shall not be subject to gross receipts tax unless the service is specifically enumerated as a taxable service under this chapter.

(B) The gross receipts derived by a private club from the charges to members for the preparation and serving of mixed drinks or for the cooling and serving of beer and wine shall be subject to gross receipts tax as well as any supplemental taxes as provided by law."

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Dangeau, **HOUSE BILL NO. 1543** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1543

Amend **HOUSE BILL NO. 1543** as engrossed, H2/19/03:

Page 13, delete line 30 and substitute the following:

~~"final and conclusive.~~

SECTION 4. Arkansas Code § 19-11-203(13), concerning the definition of exempt agencies, is amended to read as follows:

(13) "Exempt agencies" means the constitutional departments of the state, the elected constitutional offices of the state, the general assembly, including the Legislative Council and the Legislative Joint Auditing Committee and supporting agencies and bureaus thereof, the Supreme Court, the Court of Appeals, circuit courts, prosecuting attorneys, and Administrative Office of the Courts;"

Page 13, line 32 delete "SECTION 4." and substitute "SECTION 5."

AND

Page 13, delete line 35 and substitute the following:

~~"accordance with § 19-4-101 et seq.;~~

SECTION 6. Arkansas Code § 19-11-203(14), concerning the definition of exempt commodities and services as it relates to Arkansas purchasing law, is amended to add an additional subdivision read as follows:

(BB) Services related to work force development, incumbent work force training, or specialized business or industry training.

SECTION 7. Arkansas Code § 19-11-203(30), concerning the definition of state agency, is amended to read as follows:

(30)(A) "State agency" means ~~any office, department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, judicial, or legislative branch of this state, except exempt agencies in their procurement of items not subject to Arkansas Constitution, Amendment 54~~ all agencies, institutions, authorities, departments, boards, commissions, bureaus, councils, or other agencies of the state supported by appropriation of state or federal funds, except exempt agencies pursuant to § 19-11-203(13).

(B) "State agency" includes exempt agencies when any agency or exempt agency procures any item subject to Arkansas Constitution, Amendment 54;"

AND

Page 14, line 1, delete "SECTION 5." and substitute "SECTION 8."

AND

Page 14, line 10, delete "engineering, and" substitute "engineering, construction management, and"

AND

Page 14, delete line 11 and substitute the following:

"services, if:

(1) State agencies, not exempt from review and approval of the Arkansas State Building Services, shall follow procedures established by the Arkansas State Building Services for the procurement of architectural, engineering, land surveying and construction management services; and

(2) Institutions of higher education exempt from review and approval of the Arkansas State Building Services shall follow procedures established by their governing boards for the procurement of architectural, engineering, land surveying and construction management professional consultant services."

AND

Page 14, line 22, delete "SECTION 6." and substitute "SECTION 9."

AND

Page 14, line 27, delete "engineering, and" and substitute "engineering, construction management, and"

AND

Page 14, line 30, delete "SECTION 7." and substitute "SECTION 10."

AND

Page 16, delete line 14, and substitute the following:

“higher education that are for services related to patents, copyrights, or trademarks.”

AND

Page 16, delete lines 15 through 19.

AND

Page 17, line 9, delete “State Procurement Director” and insert “Office of Personnel Management”

AND

Page 17, delete line 30, and substitute the following:

“and review by the Legislative Council, or by the Joint Budget Committee if the”

AND

Page 18, line 3, delete “total compensation” and substitute “total contract amount”

AND

Page 18, line 8, delete “advice” and substitute “review”

AND

Page 19, delete lines 20 through 34.

AND

Page 19, line 35 delete “(e)” and substitute “(c)”

AND

Page 20, line 1 delete “and”

AND

Page 20, line 2 delete “receive the advice” and substitute “review”

AND

Page 20, delete line 21 and substitute the following:

“contracts.

19-11-1011. Review requirement.

(a)(1) Every contract covered by this subchapter shall be filed with the Office of State Procurement of the Department of Finance and Administration.

(2) The execution date of all contracts shall be defined as the date upon which performance of the services to be rendered under the contract is to begin and not the date upon which the agreement was made.

(b)(1) No purchase order shall be paid if a copy of the contract under which the payment is being made has not previously been filed with the Office of State Procurement of the Department of Finance and Administration. .

(2) No payment shall be made covering services rendered prior to the execution date of the contract.

(c) It is the intent of the General Assembly that this section be strictly

construed and enforced. However, in the unusual event that an obligation has been incurred by a state agency under any contractual agreement or proposed contract prior to the approval of the contract, the Chief Fiscal Officer of the State may approve payment for such services after having first received the advice of the Legislative Council."

19-11-1012. Standard contract forms.

(a) The Director of the Office of State Procurement shall prescribe standard forms to be utilized by all state agencies.

(b) The standard contract form shall include the following items plus such additional items as the Director of the Office of State Procurement shall deem desirable for the purposes of this subchapter:

(1) A section setting forth in reasonable detail the objectives and scope of the contractual agreement and the methods to be used to determine whether the objectives specified have been achieved;

(2) The rates of compensation, transportation, per diem, subsistence, out-of-pocket allowances, and all other items of costs contemplated to be paid the contractor by the agency;

(3) The method by which the rate of compensation and the total payment shall be calculated;

(4) The maximum number of dollars which the agency may be obligated to pay to the contractor under the terms of the contract, including all expenses and other items of costs, and the source of funding to be utilized;

(5) The term of the contract;

(6) The names and social security numbers of all individuals who will be supplying services to the agency or to third-party beneficiaries under the terms of the contracts, so far as those names are known to the contractor at the time of the execution of the contract. If the names of all individuals supplying services under the contract are not available at the time of the execution of the contract, the contract shall contain a provision requiring the contractor to submit periodically the names and social security numbers of individuals supplying services as soon as the identity of those individuals is known to the contractor;

(7) Where the contractor is a business entity, the federal identification number of the business entity shall be listed on the contract form;

(8)(A) A certification shall be included, signed by the contractor, as follows:

(name) _____ (title)

"I, certify under penalty of

perjury that, to the best of my knowledge and belief, no regular full-time or part-time employee of any state agency of the State of Arkansas will receive any personal, direct, or indirect monetary benefits which would be in violation of the law as a result of the execution of this contract."

_____ (B) For the purpose of this subdivision, it shall be understood that where the contractor is a widely held public corporation, the term "direct or indirect monetary benefit" shall not apply to any regular corporate dividends paid to a stockholder of the corporation who is also a state employee and who owns less than ten percent (10%) of the total outstanding stock of the contracting corporation;

(9) For any contract in which the total compensation exclusive of reimbursable expenses to be paid by the agency does not exceed twenty-five thousand dollars (\$25,000), a purchase order may be utilized in lieu of the standard form or forms prescribed by the Director of the Office of State Procurement. However, should the agency enter into a subsequent contract with the same individual or organization during the same fiscal year, regardless of the nature of the contract, then the details of the original contract which utilized a purchase order form and of all subsequent contracts, regardless of amount or type, shall be promptly reported to the Director of the Office of State Procurement. This reporting shall be done to allow him to determine whether the agency is utilizing a series of contracts to avoid the use of the standard form and to avoid the application of appropriate regulations;

(10) Standard contract forms in use by licensed practitioners such as architects and engineers may be used to supplement the standard contract forms; and

(11) All professional consultant services contracts shall contain the following clause:

"In the event the State of Arkansas fails to appropriate funds or make moneys available for any biennial period covered by the term of this contract for the services to be provided by the contractor, this contract shall be terminated on the last day of the last biennial period for which funds were appropriated or moneys made available for _____ such _____ purposes. This provision shall not be construed to abridge any other right of termination the agency may have."

AND

Page 20, line 23, delete "SECTION 8." and substitute "SECTION 11."

AND

Page 20, line 31, delete "approval" and substitute "approval review"

AND

Page 20, line 33, delete ", and the Governor" and substitute "~~, and the Governor~~"

AND

Page 20, delete lines 35 through 36.

AND

Page 21, delete lines 1 through 15

/s/ LeRoy Dangeau

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Bright, **HOUSE BILL NO. 2453** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2453

Amend **HOUSE BILL NO. 2453** as originally introduced:

Delete all language after the enacting clause 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:

26-52-315. Additional tax on tobacco products.

(a) For the purposes of this section, "tobacco products" means all products containing tobacco for consumption and includes, but is not limited to, the following:

- (1) Cigarettes;
- (2) Cigars;
- (3) Little cigars;
- (4) Cigarellos;
- (5) Chewing tobacco;
- (6) Smokeless tobacco;
- (7) Snuff;
- (8) Smoking tobacco;
- (9) Pipe tobacco; and
- (10) Smoking tobacco substitutes.

(b)(1) Beginning May 1, 2003, there is levied an additional excise tax of seven and one-half percent (7 1/2%) upon the gross receipts or gross proceeds derived from all sales of tobacco products subject to the tax levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by the Arkansas Gross Receipts Act of 1941, as amended, § 26-52-101 et seq., for the collection, reporting, and payment of Arkansas gross receipts taxes.

(c) The revenue collected under this section shall be deposited in the State Treasury as special revenues to the credit of the Higher Education Grants Fund Account to be used exclusively by the Department of Higher Education to fund the Arkansas Academic Challenge Scholarship Program, created under § 6-82-1003, and the Arkansas Governor's Scholars Program, created under § 6-82-303, of the Department of Higher Education.

SECTION 2. Arkansas Code Title 26, Chapter 53, Subchapter 1 is amended to add an additional section to read as follows:

26-53-141. Additional tax on tobacco products.

(a) For the purposes of this section, "tobacco products" means all products containing tobacco for consumption and includes, but is not limited to, the following:

- (1) Cigarettes;
- (2) Cigars;
- (3) Little cigars;
- (4) Cigarettos;
- (5) Chewing tobacco;
- (6) Smokeless tobacco;
- (7) Snuff;
- (8) Smoking tobacco;
- (9) Pipe tobacco; and
- (10) Smoking tobacco substitutes.

(b)(1) Beginning May 1, 2003, there is levied an additional excise tax of seven and one-half percent (7 1/2%) upon the sales price of tobacco products sold in another state for use or consumption in this state.

(2) The tax shall be collected, reported, and paid in the same manner and at the same time as is prescribed by the Arkansas Gross Receipts Act of 1941, as amended, § 26-52-101 et seq., for the collection, reporting, and payment of Arkansas gross receipts taxes.

(c) The revenue collected under this section shall be deposited in the State Treasury as special revenues to the credit of the Higher Education Grants Fund Account to be used exclusively by the Department of Higher Education to fund the Arkansas Academic Challenge Scholarship Program, created under § 6-82-1003, and the Arkansas Governor's Scholars Program, created under § 6-82-303, of the Department of Higher Education.

SECTION 3. Arkansas Code Title 26, Chapter 57, Subchapter 8, is amended to add an additional section to read as follows:

26-57-804. Additional tax - Higher Education Scholarship Fund.

(a) In addition to the excise or privilege taxes levied under §§ 26-57-208, 26-57-802, and 26-57-803, there is levied a tax of fifty cents (50¢) per one thousand (1,000) cigarettes sold in the state beginning on May 1, 2003.

(b) The additional tax levied under this section shall apply to cigarettes sold in Arkansas within three hundred feet (300') of a state line or in any city which adjoins a state line.

(c) Any exemptions or waivers allowed under the Arkansas Tobacco Products Tax Act of 1977, as amended, § 26-57-201 et seq., shall apply to this section.

(d) The additional tax levied under this section is reported and remitted in the same manner and at the same time as other taxes levied on cigarettes in the Arkansas Tobacco Products Tax Act of 1977, as amended, § 26-57-201 et seq.

(e) The revenue collected under this section shall be deposited in the State Treasury as special revenue to the credit of the Higher Education Grants Fund Account to be used exclusively by the Department of Higher Education to fund the Arkansas Academic Challenge Scholarship Program, created under § 6-82-1003, and the Arkansas Governor's Scholars Program, created under § 6-82-303, of the Department of Higher Education.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the state is experiencing budgetary hardships due to a decline in the economic conditions in the state; that additional revenue is needed for the Arkansas Department of Higher Education to be dedicated to sustaining and funding the Arkansas Academic Challenge Scholarship Program and the Arkansas Governor's Scholars Program, as well as other state higher education scholarship programs; and that this act is immediately necessary to levy additional excise taxes on tobacco products to provide special revenue to secure

that future scholarship or grant programs are funded, and to continue the effort to produce an educated work force for the state to attract and retain business and industry. 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 May 1, 2003."

/s/ S. D. Bright

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

/s/ Ms. Jo Renshaw

Chief Clerk

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

AMENDMENT NO. 4 TO HOUSE BILL NO. 1730

Amend **HOUSE BILL NO. 1730** as engrossed H3/7/03:

Page 1, line 33, delete "shall" and substitute "may"

AND

Page 2, line 1, insert the following:

"(e)(1) The commission shall file a written report no later than October 1 of each even numbered year with the Legislative Council and the Joint Budget Committee indicating the amount of fines deposited into the Game Protection Fund during the prior two (2) fiscal years, and the amount of those funds transferred to the Department of Education under subsection (d) of this section.

(2) If all of the fine moneys were not transferred to the Department of Education, the commission shall include in its report an explanation as to why all funds were not transferred."

AND

Page 2, line 14, delete "distribute grant" and substitute "distribute quarterly all grant"

AND

Page 2, line 17, delete "distribute the funds to" and substitute "distribute quarterly all of the funds to"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Haak, **HOUSE BILL NO. 1965** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1965

Amend **HOUSE BILL NO. 1965** as originally introduced:

Page 2, delete line 11 and substitute the following:

"(vi) An adverse reaction experienced by any employee of the Department of Health or any employee of a hospital licensed by the Department of Health related to vaccination with"

/s/ David Haak

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 2620** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2620

Amend **HOUSE BILL NO. 2620** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code, Title 26, Chapter 57 is amended by adding an additional subchapter to read as follows:

26-57-1301. Definitions.

For purposes of this subchapter:

(1) "Director" means the Director of the Department of Finance and Administration;

(2) "Export" means, with respect to a position holder or the holder's agent, or with respect to an exporter or the exporter's agent, the delivery of motor fuel out of this state;

(3) "Exporter" means any person who acquires motor fuel in Arkansas for the purpose of transporting or delivering the fuel to another state or country;

(4) "Gross receipts or gross proceeds" means:

(A) The total amount of consideration for the sale of motor fuel including federal motor fuel excise tax less deductions for state motor fuel gallonage tax levied and collected pursuant to Title 26, Chapter 55 and transportation charges; and

(B)(i) The value of motor fuel, including any federal motor fuel excise tax, withdrawn from the stock of a position holder for distribution or use by the

position holder.

(ii) The value is deemed equal to the price per gallon, including any federal motor fuel excise tax, allocated to the withdrawal by the position holder as reflected on the bill of lading or manifest;

(5) "Import" means, with respect to a position holder or the holder's agent, or with respect to an importer or the importer's agent, the delivery of motor fuel into Arkansas from out of state;

(6) "Importer" means any person who imports motor fuel to a location in Arkansas other than to a position holder at a terminal or refinery;

(7)(A) "Motor fuel" means all products commonly or commercially known or sold as gasoline regardless of their classification or uses.

(B) "Motor fuel" includes casinghead, absorption, and natural gasoline and condensate when used without blending as a motor fuel or is sold for use in motors directly, or is sold to those who blend for their own use.

(C) However, "motor fuel" does not include casinghead, absorption, and natural gasoline and condensate when sold to be blended or compounded with other less volatile liquids in the manufacture of commercial gasoline for motor fuel;

(8) "Person" includes any individual, company, partnership, joint venture, joint agreement, mutual or other association, corporation, limited liability company, estate, trust, business trust, receiver, or trustee appointed by any state, federal, or other court, syndicate, this state, any county, city, municipality, school district, or any other political subdivision of this state or group or combination acting as a unit, in the plural or singular number;

(9)(A) "Position holder" means a person that imports or acquires immediately upon import into Arkansas motor fuel by pipeline, marine vessel, or other form of delivery from within a state, territory, or possession of the United States into a terminal or refinery or that imports motor fuel into Arkansas from a foreign country, or that produces, manufactures, or refines motor fuel within Arkansas or that owns motor fuel in the pipeline and terminal distribution system in Arkansas and is subject to the general taxing or police jurisdiction of Arkansas and in any case is also registered under Internal Revenue Code § 4101 as in effect on March 1, 2003, for transactions in taxable motor fuel in the bulk distribution system.

(B) A terminal operator shall not be considered a position holder merely because the terminal operator handles motor fuel or distillate special fuel consigned to it within a terminal;

(10) "Purchase price" means the total consideration for the purchase of motor fuel including federal motor fuel excise tax less deductions for state motor

fuel gallonage tax levied and collected pursuant to Title 26, Chapter 55 and transportation charges;

(11) "Rack" means a dock, platform, or an open bay with a series of metered pumps and hoses for delivering motor fuel from a refinery or terminal into a motor vehicle or other means of conveyance;

(12) "Terminal" means a fuel storage and distribution facility that is supplied by pipeline, marine vessel, or other source, and from which motor fuel may be removed at a rack; and

(13)(A) "Terminal Operator" means the person who by ownership or contractual agreement is charged with the responsibility and physical control over the operation of a terminal.

(B) However, there shall be only one (1) person charged with responsibility as operator at each terminal for purposes of this subchapter.

26-57-1302. Sales by position holders - Purchase by importer.

There is levied a wholesale excise tax of one percent (1%) on:

(1) The gross receipts or gross proceeds derived from all sales of motor fuel by position holders to any person in the State of Arkansas; and

(2) The purchase price of motor fuel purchased by an importer for sale, storage, use, distribution, or consumption within this state.

26-57-1303. Exemptions.

There is specifically exempted from the tax imposed by this subchapter the following:

(1) The gross receipts or gross proceeds derived from sales to the United States government;

(2) The gross receipts or gross proceeds derived from sales for export outside of Arkansas; and

(3) Motor fuel imported into Arkansas in the fuel tank of a motor vehicle.

26-57-1304. Monthly return and remittance.

(a) The importer or position holder subject to the taxes levied by this subchapter shall file a monthly return and remit the tax for the month to the Director of the Department of Finance and Administration no later than the fifteenth day of the month next following the month in which the sale was made.

(b)(1) The returns shall be made upon forms prescribed and furnished by the director and signed by the person required to collect and remit the tax or his agent.

(2) The return shall contain such information as the director shall require for the proper administration of this subchapter.

(c) This subchapter is to be administered in all respects in accordance with

the Arkansas Tax Procedure Act, § 26-18-101 et seq., unless otherwise provided.

26-57-1305. Tax reporting number.

Every importer and position holder subject to the tax levied by this subchapter shall register with the Director of the Department of Finance and Administration and obtain a tax reporting number.

26-57-1306. Disposition of taxes, interest, and penalties.

(a) All taxes, interest, penalties, and costs received by the Director of the Department of Finance and Administration under the provisions of this subchapter shall be general revenues and shall be deposited in the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund.

(b) The Treasurer of State shall allocate and transfer the taxes, interest, penalties, and costs to the various State Treasury funds participating in general revenues in the respective proportions to each as provided by, and to be used for the respective purposes set forth in, the Revenue Stabilization Law of Arkansas, § 19-5-101 et seq.

SECTION 2. Arkansas Code § 26-52-401(11) is amended to read as follows:

(11)(A) Gross receipts or gross proceeds derived from the sale of:

(i) Gasoline or motor vehicle fuel on which the motor vehicle fuel or gasoline tax has been paid to the State of Arkansas; and

(ii) Special fuel or petroleum products sold for consumption by vessels, barges, and other commercial watercraft and railroads.

(B) Nothing in this subdivision shall exempt gasoline from the wholesale gross receipts tax imposed pursuant to ~~Act 1005 of 1995~~ §§ 26-57-1301 through 26-57-1306.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that revenue available for the support of necessary state services has declined during the last twelve (12) months as a result of the nationwide economic slow down; that without additional revenue, some state services will be reduced or eliminated; that some Arkansans will suffer as a result of service reductions or cuts; and that this bill will provide necessary revenue to avoid state service reductions or cuts. Therefore, an emergency is declared to exist and this subchapter being immediately necessary for the preservation of the public peace, health and safety shall become effective on July 1, 2003.”

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, HOUSE BILL NO. 2677 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2677

Amend HOUSE BILL NO. 2677 as originally introduced:

Page 3, line 6, insert the following:

"SECTION 2. Arkansas Code § 7-9-105(a) is amended to read as follows:

(a) The petition ~~and order of~~ for any referendum shall be ~~on forms provided by the Secretary of State and shall read as follows~~ in substantially the following form:

"REFERENDUM PETITION FOR REFERENDUM.

To the Honorable

Secretary of State of the State of Arkansas, or County Clerk, or City Clerk

We, the undersigned ~~legal~~ registered voters of the State of Arkansas, or _____ County, Arkansas, or City of _____ (or Incorporated Town) of _____, Arkansas (as the case may be), respectfully order by this, our petition, that Act No. _____ of the General Assembly of the State of Arkansas, approved on the _____ day of _____, 20 (insert date), entitled, "An Act _____," or Ordinance No. _____, ~~passed approved~~ by the ~~county quorum court, or the city (or town) council of the City (or Incorporated Town),~~ or County of _____, Arkansas, on the _____ day of _____, 20 _____ on (insert date), entitled, "An Ordinance _____," be referred to the people of said (state, county, or municipality) ~~(as the case may be)~~, to the end that the same may be approved or rejected by the ~~vote of the legal~~ voters of the (state, or of _____ said county, or municipality) ~~(as the case may be)~~ at the biennial ~~(or annual, as the case may be, if a city ordinance)~~ regular general election ~~(or at a special election, as the case may be)~~ to be held on the _____ day of _____, 20 _____; at the regular general election to be held on (insert date), or at a special election to be called as provided by law, and each of us for himself says:

I have personally signed this petition; I am a ~~legal~~ registered voter of the State of Arkansas, or _____ County, Arkansas, or City of _____ or Incorporated Town of _____, Arkansas (as the case may be), and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature."

(Insert popular name and ballot title of referred measure)

REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS, OR COUNTY, _____ ARKANSAS, OR CITY OF _____ OR INCORPORATED TOWN OF _____, ARKANSAS (as the case may be):

(Insert text of referred measure)

SECTION 3. Arkansas Code § 7-9-106 is amended to read as follows:

~~7-9-106. Required attachments to petitions.~~ Disclosure of initiated or referred measures – Correction or amendment.

~~(a) To every petition for the initiative shall be attached a full and correct copy of the title and the measure proposed.~~ A statewide or local initiative petition shall contain the popular name, ballot title, and full text of the proposed measure, including any preamble or introductory text.

~~(b) To every petition for the referendum shall be attached a full and correct copy of the measure on which the referendum is ordered.~~ A statewide or local referendum petition shall contain the popular name, ballot title, and full text of the measure on which the referendum is ordered, including any preamble or introductory text.

~~(c) No petition containing signatures shall be corrected or amended with regard to the popular name, ballot title, or text of the initiated or referred measure, apart from clerical or typographical errors. Corrections or amendments shall not materially change the purpose and effect of the petition.~~

SECTION 4. Arkansas Code § 7-9-107 is repealed.

~~7-9-107. Approval of ballot titles and popular names of petitions prior to circulation—Publication.~~

~~(a) Before any initiative or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsors shall submit the original draft to the Attorney General, with a proposed legislative or ballot title and popular name.~~

~~(b) The Attorney General shall, within ten (10) days, approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act. The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure.~~

~~(c) If, as a result of his review of the ballot title and popular name of a proposed initiated act or a proposed amendment to the Arkansas Constitution, the Attorney General determines that the ballot title, or the nature of the issue, is presented in such manner that the ballot title would be misleading or designed in such manner that a vote "FOR" the issue would be a vote against the matter or viewpoint that the voter believes himself casting a vote for, or, conversely, that a vote "AGAINST" an issue would be a vote for a viewpoint that the voter is against, the Attorney General may reject the entire ballot title, popular name, and petition and state his reasons therefor and instruct the petitioners to redesign the proposed measure and the ballot title and popular name in a manner that would not be misleading.~~

~~(d) If the Attorney General refuses to act or if the sponsors feel aggrieved at his acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.~~

~~(e)(1)(A) If a sponsor of any proposed statewide initiative elects to submit its popular name and ballot title to the Attorney General for certification prior to September 30 of the year preceding the year in which the initiative would be voted on, then, within ten (10) days of certification by the Attorney General, who shall deliver such certification to the Secretary of State on the day of certification, the Secretary of State shall approve and certify the sufficiency of such popular name and ballot title as certified by the Attorney General and shall cause to be published in a newspaper with statewide circulation the entire proposal with its certified popular name and ballot title and a notice informing the public of such certification and the procedure identified in this section to govern any party who may contest such certification before the Supreme Court.~~

~~(B) The procedure shall be as follows:~~

~~(i) Any legal action against such certification shall be filed with the Supreme Court within forty five (45) days of the Secretary of State's publication;~~

~~(ii) No such action filed later than forty five (45) days following publication shall be heard by the Supreme Court; and~~

~~(iii) An action timely filed shall be advanced by the Supreme Court as a matter of public interest over all other civil cases except contested election cases and shall be heard and decided expeditiously.~~

~~(2) Nothing in this section shall be taken to require any sponsor of a statewide initiative to submit its popular name and ballot title to the Attorney General prior to September 30 of the year preceding the year in which the proposal would be voted on. If the Secretary of State refuses to act as required in this section or if the sponsors feel aggrieved at his acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.~~

~~(3) Whenever the sponsor of any initiative or referendum petition has obtained final approval of its ballot title and popular name, the sponsor shall file such petition with the Secretary of State prior to obtaining signatures on the petition.~~

~~(f) The cost of the initial publication in a newspaper of the text of a statewide initiative and related information as required in subsection (e) of this section shall be paid by the sponsor of the statewide initiative.~~

SECTION 5. Arkansas Code § 7-9-108 is amended to read as follows:

7-9-108. Procedure for circulation of petition.

~~(a) Each initiative or referendum petition ordering a vote upon a measure having general application throughout the state shall be prepared and circulated in~~

~~fifteen (15) or more parts, or counterparts, and each~~ With regard to each separate part of any initiative or referendum petition:

~~(1) Each part of the petition shall be an exact copy or counterpart of all other such parts of the petition upon which signatures of petitioners are to be solicited. When a sufficient number of parts are signed by a the requisite number of qualified electors registered voters and are filed and duly certified by the Secretary of State proper official, they shall be treated and considered as one (1) petition.~~

~~(b)(2) Each part of any petition shall have attached thereto~~ Each part of the petition shall contain the affidavit of the ~~person who circulated the petition canvasser~~ to the effect that all signatures appearing thereon were made in the immediate presence of the affiant and that to the best of the affiant's knowledge and belief each signature is genuine and that the person so signing is a ~~legal~~ registered voter.

~~(c)(3) Preceding every petition, there shall be set out~~ Each part of the petition shall contain in boldface type, over the signature of the Attorney General, any instructions to canvassers and signers as may appear proper and beneficial, informing them of the privileges granted by the Constitution and of the penalties imposed for violations of this ~~act~~ subchapter. The instructions on penalties shall be in larger type than the other instructions.

(b) No signatures of petitioners on any initiative or referendum petition shall be obtained more than eighteen (18) months before the initial filing of the petition with the proper official for review and certification of signatures.

~~(d)(c)~~ (c) No part of any statewide initiative or referendum petition shall contain signatures of petitioners from more than one (1) county.

SECTION 6. Arkansas Code § 7-9-110 is amended to read as follows:

7-9-110. Designation of number and popular name.

(a)(1) The Secretary of State shall fix and declare the number by which each amendment to the Arkansas Constitution proposed by the General Assembly and each ~~initiated and referred measure~~ measure initiated or referred by a statewide petition shall be designated.

(2) In the absence of a designation by the General Assembly, the ~~The~~ Attorney General shall fix and declare the popular name ~~by which each amendment to the Arkansas Constitution and each initiated and referred measure shall be designated~~ for an amendment to the Arkansas Constitution proposed by the General Assembly.

(b) ~~In all legal notices and publications, proceedings, and publicity affecting~~ In all notices or proceedings ordered or conducted by the Secretary of State with regard to any such amendment or measure, the amendment or measure shall be

designated by both the number and the popular name ~~fixed as provided in subsection (a) of this section.~~

SECTION 7. Arkansas Code § 7-9-111(a)(1) is amended to read as follows:

(a)(1) The Secretary of State shall ascertain and declare the sufficiency or insufficiency of ~~each~~ the signatures on a statewide initiative ~~and or~~ referendum petition within thirty (30) days after it ~~the petition~~ is filed. The Secretary of State, after consultation with the Attorney General, shall separately ascertain and declare the sufficiency or insufficiency of the popular name and ballot title of a statewide initiative or referendum petition within thirty (30) days after the petition is filed; provided, that no such declaration shall issue if the Secretary of State determines that the petition was not supported, as of the deadline for filing such petition, by a prima facie sufficient number of signatures.

SECTION 8. Arkansas Code § 7-9-111(d) is amended to read as follows:

(d)~~(4)~~ If the petition ~~is~~ signatures are found to be insufficient, the Secretary of State shall forthwith notify the sponsors in writing, through their designated agent, and shall set forth his the reasons for so finding. ~~When the notice is delivered, the~~ The sponsors shall have thirty (30) days from the date of such notice in which to ~~do~~ any or all of the following:

(A) ~~Solicit and obtain additional signatures;~~

(B) ~~submit proof to show that the rejected signatures or some of them are good and should be counted; or~~

(C) ~~Make the petition more definite and certain~~ solicit and file additional signatures or to submit proof that rejected signatures are valid and should be counted.

~~(2) Any amendments and corrections shall not materially change the purpose and effect of the petition. No change shall be made in the measure, except to correct apparent typographical errors or omissions.~~

SECTION 9. Arkansas Code § 7-9-112 is amended to read as follows:

7-9-112. ~~Failure to act on petition—Mandamus—Injunction.~~ Right of review.

(a) ~~If the Secretary of State shall fail or refuse to examine and file any initiative or referendum petition within the time prescribed in § 7-9-111, any twenty-five (25) qualified electors who feel aggrieved thereby may, within fifteen (15) days thereafter, apply to the Supreme Court for a writ of mandamus to compel the officer to certify the sufficiency of the petition.~~ The sponsors of a statewide initiative or referendum petition and any registered voter shall have the immediate right to petition the Supreme Court to review the separate declaration of the Secretary of State with regard to the sufficiency or insufficiency of the popular name and ballot title of the petition. The action shall be filed not later than fifteen (15) days from the

date of the declaration by the Secretary of State.

~~(b) If the Supreme Court shall decide that the petition is legally sufficient, it shall order the Secretary of State to file and certify the sufficiency thereof as of the date upon which it was first offered for filing, and a certified copy of the judgment shall be attached to the petition. The Supreme Court shall act expeditiously to review the popular name and ballot title of the petition in a manner which avoids voter confusion and frustration which occur when a measure is stricken from the election ballot on the eve of the election.~~

~~(c) On a proper showing that any petition is not sufficient the popular name and ballot title of the petition are insufficient, the Supreme Court may shall enjoin the Secretary of State from certifying its sufficiency and may also enjoin the various election boards from allowing the ballot title thereof to be printed on the ballots and certifying votes cast on the proposal the measure to appear on the election ballot, or in the event that votes may be cast on the measure, from canvassing and certifying the vote.~~

SECTION 10. Arkansas Code Title 7, Chapter 9, Subchapter 5 is repealed.

~~7-9-501. Purpose.~~

~~The purpose of this subchapter is to provide for the timely and expeditious review of the legal sufficiency of initiative petitions by the Supreme Court.~~

~~7-9-502. Construction.~~

~~(a) The General Assembly declares that this subchapter be construed as a measure to facilitate the provisions of Arkansas Constitution, Amendment 7.~~

~~(b) The General Assembly declares that this subchapter is not intended to expand the jurisdiction of the Supreme Court under Arkansas Constitution, Amendment 7 but is intended to provide a process to timely review the legal sufficiency of a measure in a manner which avoids voter confusion and frustration which occur when measures are stricken from the ballot on the eve of an election on the measure.~~

~~7-9-503. Declaration of sufficiency.~~

~~(a)(1) Any Arkansas taxpayer and voter may submit a written petition to the Secretary of State requesting the determination of legal sufficiency of statewide initiative petitions.~~

~~(2) The petitioner shall notify the sponsor of the measure of the petition for determination by certified mail on the date that it is submitted to the Secretary of State.~~

~~(b) Within thirty (30) days after receipt of the petition for determination, the Secretary of State shall decide and declare, after consultation with the Attorney General, questions on one (1) or both of the following issues:~~

~~(1) Whether the popular name and ballot title of the measure are fair and complete; and~~

~~(2) Whether the measure, if subsequently approved by the electorate, would violate any state constitutional provision or any federal constitutional, statutory, or regulatory provision or would be invalid for any other reason.~~

~~(c) The declaration shall be in writing and shall be mailed to the petitioner and the sponsor of the measure by certified mail on the date that it is issued.~~

~~(d) The scope of review authorized by this subchapter shall be strictly limited to the questions referred to in subsection (b) of this section and shall not include questions regarding the sufficiency or validity of signatures on the initiative petitions.~~

~~7-9-504. Cure by correction or amendment.~~

~~(a) If the Secretary of State declares the initiative petition legally insufficient, the sponsors of such measure may attempt to cure the insufficiency by correction or amendment, as provided in Arkansas Constitution, Amendment 7.~~

~~(b) Within fifteen (15) days after a correction or amendment is filed with the Secretary of State, the Secretary of State shall notify the petitioner and sponsor of the measure of this declaration by certified mail on the date that it is issued.~~

~~7-9-505. Right of review.~~

~~The petitioner, the sponsor of the measure, and any Arkansas taxpayer and voter shall have the immediate right to petition the Supreme Court to review the determination of the Secretary of State regarding the sufficiency of the initiative petition.~~

~~7-9-506. Effect on existing petition.~~

~~(a)(1) This subchapter shall be applicable to any initiative petition which has received the approval of the Attorney General and has been filed with the Secretary of State, pursuant to § 7-9-107, as of March 25, 1999.~~

~~(2) The Secretary of State shall review all initiative petitions approved by the Attorney General within two (2) months after March 25, 1999.~~

~~(3) If this review is not completed within the stated period, the initiative petition will be presumed sufficient and subject to immediate review by the Supreme Court.~~

~~(b) In addition, this subchapter shall be applicable to all initiative petitions submitted to the Attorney General after March 25, 1999."~~

~~/s/ Jodie Mahony~~

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

~~/s/ Ms. Jo Renshaw~~

~~Chief Clerk~~

Upon motion of Representative Mahony, **HOUSE BILL NO. 1488** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1488

Amend **HOUSE BILL NO. 1488** as originally introduced:

Add Representative Thomason as a cosponsor of the bill

AND

Page 1, line 35 add:

“(d) It is the intent of this act to allow dissemination of criminal history information pertaining to all felony arrests and all conviction information.”

AND

Page 2, delete line 6 and substitute:

“maintenance, and dissemination of criminal justice information;

(2) “Arrest records” means felony arrest information where conviction or disposition information has not been entered;”

AND

Appropriately renumber subsequent subsections of the section

AND

Page 2, line 13 add the words “or expunged” after “Sealed”

AND

Page 3, delete lines 28 through 30 and substitute:

“(9)(A) “Nonconviction information” means arrests where disposition was by acquittal, dismissal, nolle prosequi, or mistrial, in which the defendant was discharged;”

AND

Page 3, line 32 add the word “felony” after “means”

AND

Page 4 delete line 5 and substitute: “to any felony arrest, detention, indictment, information, or other formal felony criminal”

AND

Page 4, line 20 delete “registry” and substitute “repository or”

AND

Page 4, line 21 delete “or the Administrative Office of the Courts”

AND

Page 4, delete lines 26 through 28 and substitute:

“(a) All conviction information and felony arrest records may be disseminated as provided for in this act.”

AND

Page 4 line 29 add the words "of felony arrest records and all conviction information" after "information"

AND

Page 6, delete lines 1 and 2 and substitute:

"(b) Fees for providing criminal history information shall be charged on a one (1) fee per one (1) subject basis."

/s/ Jodie Mahony

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. 1424** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1424

Amend **HOUSE BILL NO. 1424** as engrossed, H2/12/03:

Add Representative Bright as a cosponsor of the bill

AND

Page 5, line 2, delete "claims or judgments" and substitute "claims, judgments, or attorneys' fees or costs"

AND

Page 10, line 24, delete "occurred, and" and substitute "occurred or the county where the person injured or killed resided at the time of the injury, and"

AND

Page 10, line 32, delete "period," and substitute "period or was self-insured for the relevant period,"

AND

Page 11, delete line 8 and substitute the following: "injury occurred or where the person injured or killed resided at the time of the injury."

AND

Page 13, line 32, delete "claimant," and substitute "claimant immediately."

AND

Page 13, delete line 36

AND

Page 14, delete lines 1 through 8

AND

Page 14, delete line 9, and substitute the following:

"(b) Any amount left unpaid as a result of the fund being depleted"

AND

Page 14, line 12, delete "(c)(1)" and substitute "(c)"

AND

Page 14, delete lines 14 through 18

AND

Page 14, delete lines 31 through 36

AND

Page 15, delete lines 1 through 36

AND

Page 16, delete lines 1 through 7

AND

Page 16, line 9, delete "20-10-1921" and substitute "20-10-1919"

AND

Page 16, line 24, delete "20-10-1922" and substitute "20-10-1920"

AND

Page 16, line 28, delete "20-10-1923" and substitute "20-10-1921"

AND

Page 16, delete lines 32 through 36

AND

Page 17, delete lines 1 through 7

AND

Appropriately renumber the subsequent 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 Hutchinson, **HOUSE BILL NO. 1987** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1987

Amend **HOUSE BILL NO. 1987** as engrossed, H3/05/03:

Page 2, add an additional section immediately following Section 2 to read as follows:

"SECTION 3. A copy of any guaranteed energy savings contract that is executed in connection with the acquisition, installation, or construction of energy conservation measures under Arkansas Code § 6-20-402 shall be filed with the Arkansas Department of Education."

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Wood, **HOUSE BILL NO. 2361** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2361

Amend **HOUSE BILL NO. 2361** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-37-401 is amended to read as follows:

5-37-401. Definition Definitions.

~~As used in this section, unless the context otherwise requires, "cable television company" or "company" means any franchised or other duly licensed company which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one (1) or more television stations and redistributing the signals by wire, cable, or other device or means for accomplishing the redistribution, to members of the public who subscribe to the service, or distributing through the company's antennae, poles, wires, cables, conduits or other property used in providing service to its subscribers and customers any television signals whether broadcast or not.~~

As used in this subchapter:

(1) "Communication device" means:

(A) Any type of electronic mechanism, transmission lines, or connections and appurtenances thereto, instrument, device, machine, equipment, technology, or software that is capable of intercepting, transmitting, retransmitting, acquiring, decrypting, or receiving any communication service, including the receipt, acquisition, interception, transmission, retransmission, or decryption of communication service provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, Internet based, or wireless distribution network, system, or facility; and

(B) Any component of the communication device, including any computer circuit, splitter, connectors, switches, transmission hardware, security module, smart card, software, computer chip, electronic mechanism, or any component, accessory, or part of any communication device which is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any communication service;

(2) "Communication service" means:

(A) Any service lawfully provided for a charge or compensation to facilitate the lawful origination, transmission, emission, or reception of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular or other wireless telephones, wire, wireless, radio, electromagnetic, photoelectronic, or photo optical systems, networks, or facilities; and

(B) Any service lawfully provided by any cable television, radio, telephone, fiber optic, photo optical, electromagnetic, photoelectric, satellite, microwave, data transmission, wireless, or Internet based distribution system, network, or facility, including, but not limited to, all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals, and services, and any communications, transmissions, signals, and services lawfully provided directly or indirectly by or through any of the systems, networks, or facilities described in this subdivision (2)(B);

(3) "Communication service provider" means:

(A) Any person or entity owning or operating any cable television, fiber optic, photo optical, electromagnetic, photoelectronic, satellite, Internet based, telephone, wireless, microwave, data transmission, or radio distribution system, network, or facility;

(B) Any person or entity providing a communication service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or communication service; and

(C) Any person or entity providing any communication service directly or indirectly by or through any distribution systems, networks, or facilities described in this subdivision (3);

(4) "Manufacture, assembly, or development of a communication device" means to make, produce, develop, or assemble a communication device, or to knowingly assist others in those activities;

(5) "Manufacture, assembly, or development of an unlawful access

device" means to make, develop, produce, or assemble an unlawful access device or modify, alter, program, or reprogram any instrument, device, machine, equipment, technology, or software so that it is capable of defeating or circumventing any technology, device, or software used by the provider, owner, or licensee of a communication service, or of any data, audio, or video programs, or transmissions, to protect any such communication, data, audio, or video services, programs, or transmissions from unauthorized receipt, interception, acquisition, access, decryption, disclosure, communication, transmission, or retransmission, or to knowingly assist others in those activities; and

(6) "Unlawful access device" means any type of instrument, device, machine, equipment, technology, or software which is primarily designed, developed, assembled, manufactured, sold, distributed, possessed, used, offered, promoted, or advertised, for the purpose of defeating or circumventing any technology, device, or software, or any component or part thereof used by the provider, owner, or licensee of any communication service or of any data, audio, or video programs or transmissions, to protect any communication, data, audio, or video services, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission.

SECTION 2. Arkansas Code § 5-37-402 is amended to read as follows:

5-37-402. Theft of ~~cable television~~ communication services - Unlawful communication and access devices.

A person commits theft of ~~cable television~~ communication services if he or she knowingly:

(1)(A) Obtains or attempts to obtain, ~~cable television service from another by any means, artifice, trick, deception, or device without the payment to the operator of the service of all lawful compensation for each type of service obtained or uses a communication service without the authorization of, or compensation paid to, the communication service provider, or assists or instructs any other person in doing so with the intent to defraud the communication service provider; or~~

(B) Tampers with, modifies, or maintains a modification to a communication device installed or provided by the communication service provider with the intent to defraud that communication service provider;

(2) ~~Assists or instructs any other person in obtaining or attempting to obtain any cable television service without the payment to the operator of all lawful compensation;~~ Possesses, uses, manufactures, develops, assembles, distributes, transfers, imports into this state, licenses, leases, sells or offers, promotes or advertises for sale, use, or distribution any communication device;

(A) For the commission of a theft of a communication service or to receive, intercept, disrupt, transmit, retransmit, decrypt, acquire, or facilitate the receipt, interception, disruption, transmission, retransmission, decryption, or acquisition of any communication service without the express consent or express authorization of the communication service provider; or

(B) With the intent to conceal or to assist another to conceal from any communication service provider, or from any lawful authority, the existence or place of origin or destination of any communication;

~~(3) Tampers or otherwise interferes with or connects to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable television without authority from the operator of the service~~ Modifies, alters, programs, or reprograms a communication device for the purposes described in subdivision (2) of this section; or

~~(4) Makes or maintains any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by such company which such person is not authorized by such company to receive;~~ Possesses, uses, manufactures, develops, assembles, distributes, imports into this state, licenses, transfers, leases, sells, offers, promotes, or advertises for sale, use, or distribution any unlawful access device; or

~~(5) Possesses, any device designed in whole or in part to decode, descramble, or otherwise make intelligible any encoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device be used for the theft of the company's service;~~ uses, prepares, distributes, sells, gives, transfers or offers, promotes or advertises for sale, use, or distribution any:

(A) Plans or instructions for making, assembling, or developing any unlawful access device, under circumstances evidencing an intent to use or employ the unlawful communication or access device, or to allow the same to be used or employed, for a purpose prohibited by this subchapter, or knowing or having reason to believe that the same is intended to be so used, or that the plans or instructions are intended to be used for manufacturing or assembling the communication or unlawful access device for a purpose prohibited by this subchapter; or

(B) Material, including hardware, cables, tools, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture, assembly, or development of a communication device for a purpose prohibited by this subchapter, or for use in the

manufacture, assembly, or development of an unlawful access device.

~~(6)(A) Manufactures, imports into this state, distributes, sells, leases, or offers, or advertises for sale or lease any device, or any plan or kit for a device or for a printed circuit designed in whole or in part to decode, descramble, or otherwise make intelligible any encoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device, plan, or kit be used for the theft of the company's service.~~

~~(B) However, nothing in this subdivision (6) shall be construed to prohibit the manufacture, importation, sale, lease, or possession of any television device possessing the internal hardware necessary to receive cable television signals without the use of a converter, device, or box, or of any television advertised as "cable ready"; or~~

~~(6) Manufactures, imports into this state, distributes, sells, or offers for sale, rental, or use, any device of any description, or any plan or kit for a device, designed in whole or in part to facilitate the unlawful performance of any of the acts set out in this section.~~

SECTION 3. Arkansas Code § 5-37-403 is amended to read as follows:

5-37-403. Violation Penalties.

(a)(1) Any person violating the provisions of § 5-37-402(1) shall, upon conviction, be guilty of a Class B A misdemeanor.

(2) Any person violating the provisions of -except for violations of § 5-37-402(2), (3), (4), or (5) (6)(A), any person violating the provisions of § 5-37-402(6)(A) shall, upon conviction, be guilty of a Class D felony.

(3) An offense under this subchapter is a Class C felony if:

(A) The defendant has been convicted previously on two (2) or more occasions for offenses under this subchapter or for any similar crime in this state or any federal or other state jurisdiction; or

(B) The violation of this subchapter involves more than fifty (50) communication or unlawful access devices.

(b) The penalty for an offense under this section when based upon a prior conviction, shall include, but not be limited to, felony offenses involving theft of service or fraud under this subchapter or violations of the federal Cable Communications Policy Act of 1984, Public Law 98-549, 98 Stat. 2779, as in effect on March 1, 2003.

(c) The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating this subchapter to make restitution as authorized by law.

(d) Upon conviction of a defendant under this subchapter, the court may, in

addition to any other sentence authorized by law, direct that the defendant forfeit any communication or unlawful access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

SECTION 4. Arkansas Code § 5-37-404 is amended to read as follows:

5-37-404. Possession of devices as evidence of intent -- Presumption

(a) In a prosecution for a violation of this subchapter the existence on the property and in the actual possession of the defendant of:

(1) Any ~~connection, wire, conductor, or any device~~ communication or unlawful access device whatsoever, which is connected in such a manner as would permit the receipt of ~~cable television~~ a communication service without the service being reported for payment to and specifically authorized by the ~~cable television company~~ communication service provider;

(2) The existence on the property and in the actual possession of the defendant, where the totality of the circumstances, including quantities or volumes, surrounding the defendant's arrest indicates possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts set out in § 5-37-402 shall constitute prima facie evidence of the defendant's intent to violate, and of the violation of, the provisions of this subchapter.

(b) It shall be presumed that any person who receives ~~cable television~~ a communication service to their residence, dwelling, or business shall be criminally and civilly liable for the conduct of other persons at the residence, dwelling, or business for any violation of the provisions of this subchapter.

SECTION 5. Arkansas Code § 5-37-405 is amended to read as follows:

5-37-405. Satellite dish.

The provisions of this subchapter shall not be construed or otherwise interpreted to prohibit an individual from owning or operating a device commonly known as a satellite receiving dish for the purpose of lawfully receiving and utilizing satellite-relayed television signals for his or her own use.

SECTION 6. Arkansas Code Title 5, Chapter 35, Subchapter 4 is amended by adding an additional sections to read as follows:

5-37-406. Venue.

(a) An offense or violation of § 5-37-402 may be deemed to have been committed at either the place where the defendant manufactures, develops, or assembles a communication or unlawful access device or assists others in doing so, or the places where the communication or unlawful access device is sold or delivered to a purchaser or recipient.

(b) It shall be no defense to a violation of § 5-37-402 that some of the acts constituting the violation occurred outside of this state.

5-37-407. Additional Civil Remedies.

(a)(1) In addition to the other provisions of this subchapter, any person aggrieved by a violation of this subchapter may bring a civil action in any court of competent jurisdiction.

(2) "Any person aggrieved" includes any communication service provider.

(b) The court may:

(1) Award declaratory relief and other equitable remedies, including preliminary and final injunctions to prevent or restrain violations of this subchapter, without requiring proof that the plaintiff has suffered or will suffer actual damages or irreparable harm or lacks an adequate remedy at law;

(2) At any time while an action is pending, order the impounding, on such terms as it deems reasonable, of any communication or unlawful access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of this subchapter;

(3) Award damages as described in subsection (c) of this section;

(4) In its discretion, award reasonable attorney fees and costs, including, but not limited to, costs for investigation, testing, and expert witness fees, to an aggrieved party who prevails; and

(5) As part of a final judgment or decree finding a violation of this subchapter, order the remedial modification or destruction of any communication or unlawful access device, or any other device or equipment involved in the violation, that is in the custody or control of the violator, or has been impounded under subdivision (b)(2) of this section.

(c) Damages awarded by a court under this subchapter shall be computed as either of the following:

(1)(A) Upon his or her election of damages at any time before final judgment is entered, the complaining party may recover the actual damages suffered by him or her as a result of the violation of this subchapter and any profits of the violator that are attributable to the violation.

(B) Actual damages include the retail value of any communication services illegally available to those persons to whom the violator directly or indirectly provided or distributed any communication or unlawful access devices.

(C) In proving actual damages, the complaining party shall

prove only that the violator manufactured, distributed, or sold any communication or unlawful access devices, but shall not be required to prove that those devices were actually used in violation of this subchapter.

(D) In determining the violator's profits, the complaining party shall prove only the violator's gross revenue and the violator shall prove his or her deductible expenses; or

(2) Upon election by the complaining party at any time before final judgment is entered, that party may recover, in lieu of actual damages, an award of statutory damages of between twenty-five hundred dollars (\$2,500) and ten thousand dollars (\$10,000) for each communication or unlawful access device involved in the action, with the amount of statutory damages to be determined by the court, as the court considers just.

(d) In any case where the court finds that any of the violations of this subchapter were committed willfully and for purposes of commercial advantage or private financial gain, the court in its discretion may increase the total award of any damages under subdivision (c) of this section, by an amount of not more than fifty thousand dollars (\$50,000) for each communication or unlawful access device involved in the action or for each day the defendant was in violation of this subchapter."

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **HOUSE JOINT RESOLUTION NO. 1017** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE JOINT RESOLUTION NO. 1017

Amend **HOUSE JOINT RESOLUTION NO. 1017** as engrossed, H2/25/03:

Page 2, delete line 28, and substitute the following:

"General Assembly solely for:

(i) Educational programs and educational purposes; and

(ii) Gambling addiction prevention and treatment

programs."

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Jeffrey, **HOUSE BILL NO. 1620** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1620

Amend **HOUSE BILL NO. 1620** as originally introduced:

Add Representative Mack as a cosponsor of the bill

AND

Page 2, delete lines 2 through 16 and substitute:

“(D) Contain the following information:

(i) Title of document; and

(ii) Name of grantor and grantee, where applicable.

(E) Be acknowledged in accordance with § 16-47-207; and

(F) Be legible.

~~(b) Each recorder shall record, in books to be provided for that purpose:~~

~~(1) All marriage contracts and marriage certificates; and~~

~~(2) All commissions and official bonds required to be recorded in his~~

~~office.~~

(b) The recorder shall have the discretion to waive the requirements of subdivision (a)(2) for good cause.”

/s/ Robert N. Jeffrey

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hutchinson, **HOUSE BILL NO. 2735** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2735

Amend **HOUSE BILL NO. 2735** as originally introduced:

Add Representative Parks as a cosponsor of the bill.

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hutchinson, **HOUSE BILL NO. 2767** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2767

Amend **HOUSE BILL NO. 2767** as originally introduced:

Add Representative Parks as a cosponsor of the bill.

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Hutchinson, **HOUSE BILL NO. 2605** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2605

Amend **HOUSE BILL NO. 2605** as originally introduced:

Add Representative Parks as a cosponsor of the bill.

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 2372** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2372

Amend **HOUSE BILL NO. 2372** as originally introduced:

Page 2, line 7, after "the" and before "board" delete "state" and substitute "state"
AND

Page 2, line 21, after "appointed and" delete "have"
AND

Page 3, delete line 4, and substitute the following

“(f) The state board shall ~~perform the following duties~~ have the authority to:”

AND

Page 3, delete lines 16 through 36 and insert the following:

~~“(5) Review citizen complaints regarding violations of election and voter registration laws and forward them to the proper authorities, except as to § 7-1-103(a)(1)-(4), (6), and (7) or except for any matter relating to campaign finance and disclosure laws, which the Arkansas Ethics Commission shall have the same power and authority to enforce as is provided the commission under §§ 7-6-217 and 7-6-218 for the enforcement of campaign finance laws;~~

~~“(6) Develop procedures for reviewing and forwarding citizen complaints referred to in subdivision (f)(5) of this section;~~

~~“(7)(5) Formulate, adopt, and promulgate all necessary rules and regulations to assure even and consistent application of voter registration laws and fair and orderly election procedures;~~

~~“(8)(6)(A) Appoint certified election monitors to any county upon a signed, written request under oath filed with the state board and a determination by the state board that appointing a monitor is necessary.~~

(B) Certified election monitors shall serve as observers for the purpose of reporting to the state board on the conduct of the election.

(C) The state board may allow for reasonable compensation for election monitors;

~~“(9)(7) Assist the county board of election commissioners in the performance of the administrative duties of the election process if the state board determines that assistance is necessary and appropriate;~~

“(8)(A) Formulate, adopt, and promulgate all necessary rules and regulations to establish uniform and nondiscriminatory administrative complaint procedures consistent with the requirements of Title IV of the federal Help America Vote Act.

(B) The cost of compliance with Title IV of the federal Help America Vote Act shall be paid from the fund established to comply with the federal Help America Vote Act; and

~~(10)(9) If the state board finds a violation~~ Investigate alleged violations and render findings and impose disciplinary action according to § 7-4-118 for violations of election and voter registration laws, except as to § 7-1-103(a)(1)-(4), (6), and (7), ~~or~~ and except for any matters relating to campaign finance and disclosure laws which the ~~commission~~ Arkansas Ethics Commission shall have the same power and authority to enforce ~~under~~ according to §§ 7-6-217 and 7-6-218. ~~for the enforcement of campaign finance laws, the state board may do one (1) or more of the following:~~

~~(A) Issue a public letter of caution or warning or reprimand;~~

~~(B)(i) Impose a fine of not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or intentional violation of this subchapter.~~

~~(ii) The state board shall adopt rules governing the imposition of such fines in accordance with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(iii) All moneys received by the state board in payment of fines shall be deposited in the State Treasury as general revenues; or~~

~~(C) Report its finding, along with such information and documents as it deems appropriate, and make recommendations to the proper law enforcement authorities;~~

~~(11) The state board shall complete its investigation of a complaint filed pursuant to this section within no later than ninety (90) days of the filing of the complaint; and~~

~~(12) Any final action of the state board under this section shall constitute an adjudication for purposes of judicial review under § 25-15-212.~~

~~(g) All election related questions are to be answered by the Secretary of State's office pursuant to § 7-1-106 and shall be consistent and in conformity with any policies, guidelines, or regulations established by the state board.~~

~~(h)(g) The Attorney General shall provide legal assistance to the state board in answering questions regarding election laws.~~

(h)(1) The board may appoint a director who may hire a staff.

~~(i)(1)(2) The Director of the State Board of Election Commissioners and the staff shall serve at the pleasure of the state board.~~

~~(2) The Secretary of State shall exercise daily supervision of the director and the staff, consistent with personnel policy.~~

(3) The state board shall set the personnel policies in accordance with the Regular Salary Procedures and Restrictions Act, § 21-5-101 et seq., and the Uniform Classification and Compensation Act, § 21-5-201 et seq.

SECTION 2. Arkansas Code Title 7, Chapter 4, Subchapter 1 is amended to add an additional section to read as follows:

7-4-118. Complaints of election law violations.

(a)(1) The State Board of Election Commissioners may investigate alleged violations, render findings, and impose disciplinary action according to this subchapter for violations of election and voter registration laws, except:

(A) For the provisions in § 7-1-103(a)(1) through (4), (6) and (7); and

(B) For any matters relating to campaign finance and disclosure laws that the Arkansas Ethics Commission shall have the power and authority to enforce according to §§ 7-6-217 and 7-6-218.

(2) For purposes of subdivision (a)(1), the State Board of Election Commissioners may file a complaint.

(3) A complaint must be filed with the board in writing within thirty (30) days of the alleged violation.

(4) A complaint must clearly state the alleged election irregularity or illegality, when and where the alleged activity occurred, supporting facts surrounding the allegations, and the desired resolution.

(5) A complaint must be signed by the complainant under penalty of perjury.

(6)(A) Filing of a frivolous complaint is considered a violation of this subchapter.

(B) For purposes of this section, "frivolous" means clearly lacking any basis in fact or law.

(b)(1) Upon receipt by the board of a complaint stating facts constituting violation of election or voter registration laws under its jurisdiction signed under penalty of perjury, the board shall proceed to investigate the alleged violation.

(2) The board may determine that:

(A) The complaint can be disposed of through documentary submissions; or

(B) An investigation is necessary.

(3) The board may forward the complaint, along with the information and documentation as deemed appropriate, to the proper authority.

(4)(A) If the board determines that an investigation is necessary, the board shall provide a copy of the complaint to the party against whom the complaint is lodged.

(B) The board may administer oaths for the purpose of taking sworn statements from any person thought to have knowledge of any facts pertaining to the complaint.

(C) The board may request the party against whom the complaint is lodged to answer allegations in writing, produce relevant evidence, or appear in person before the board.

(D) The board may subpoena any person or the books, records, or other documents relevant to an inquiry by the board that are being held by any person and take sworn statements.

(E) The board shall provide the subject of the subpoena with reasonable notice of the subpoena and an opportunity to respond.

(F) The board shall advise, in writing, the complainant and the party against whom the complaint is lodged of the final action taken.

(c) If the board finds that probable cause exists for finding a violation of election or voter registration laws under its jurisdiction, the board may determine that a full public hearing be called.

(d) If the board finds a violation of election or voter registration laws under its jurisdiction, then the board may do one (1) or more of the following:

(1) Issue a public letter of caution, warning, or reprimand;

(2) Impose a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) for each negligent or intentional violation;

(3) Report its findings, along with the information and documents as it deems appropriate, and make recommendations to the proper law enforcement authorities; or

(4) Assess costs for the investigation and hearing.

(e)(1) The board shall adopt rules governing the imposition of the fines in accordance with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2)(A) The board may file suit in the circuit court of Pulaski County or in the circuit court of the county in which the debtor resides, or, according to the Small Claims Procedure Act, § 16-17-601 et seq., in the small claims division of any district court in the State of Arkansas, to obtain a judgment for the amount of any fine imposed according to its authority.

(B) The action by the court shall not involve further judicial review of the board's actions.

(C) The fee normally charged for the filing of a suit in any of the circuit or district courts in the State of Arkansas shall be waived on behalf of the board.

(3) All moneys received by the board in payment of fines shall be deposited in the State Treasury as general revenues.

(f)(1) The board shall complete its investigation of a complaint filed according to this section and take final action within one hundred eighty (180) days of the filing of the complaint.

(2) However, if a hearing under subdivision (c)(1) of this section is conducted, all action on the complaint by the board shall be completed within two hundred forty (240) days.

(3) Any final action of the board under this section shall constitute an adjudication for purposes of judicial review under § 25-15-212.

(g)(1) The board shall keep a record of all inquiries, investigations, and proceedings.

(2) Records relating to investigations by the board are exempt from the Freedom of Information Act of 1967, until a hearing is set or the Director's investigation is closed.

(3) The board may, through its members or staff, disclose otherwise confidential information to proper law enforcement officials, agencies, and bodies as may be required to conduct its investigation."

AND

Page 4, delete lines 1 through 36.

AND

Page 5, delete lines 1 through 14

/s/ Barbara King

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Napper, HOUSE BILL NO. 2413 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2413

Amend HOUSE BILL NO. 2413 as originally introduced:

Page 1, line 36 delete "for uninsured" and substitute "for qualifying uninsured"

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Napper, HOUSE BILL NO. 2415 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2415

Amend HOUSE BILL NO. 2415 as originally introduced:

Page 2, delete lines 22 through 32 and substitute:

“(b) Banks and other financial institutions shall honor a statutory power of attorney which appears to be properly executed for the purposes enumerated under subsection (a) of this section. No bank or other financial institution shall be liable to any person for any reason related to:

(1) The authenticity of the document or the validity of the purported appointment;

(2) The validity or propriety of any action of the purported agent or attorney under the document consistent with subsection (a) of this section; or

(3) The validity or propriety of any instruments executed or instruction given by the agent or attorney under the document consistent with subsection (a) of this section.”

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 1728** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1728

Amend **HOUSE BILL NO. 1728** as engrossed, H3/5/03:

Page 8 delete lines 3-5 and substitute the following:

“5-8-509. Temporary permit for operation of restaurant.

(a) A restaurant may be issued a temporary permit to sell alcoholic beverages for on-premises consumption for a period not to exceed ninety (90) days.

(b) The temporary ninety-day time period is to be used to allow the restaurant to make a determination of its gross sales.

(c) The fee for the temporary permit shall be twenty-five dollars (\$25.00).

5-8-510. Regulatory authority.

The Alcoholic Beverage Control Board may adopt regulations to implement the intent and purposes of this subchapter.”

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Scroggin, **HOUSE BILL NO. 1652** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1652

Amend **HOUSE BILL NO. 1652** as engrossed, H3/5/03:

Page 5, delete lines 18 through 32.

/s/ Preston Scroggin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Scroggin, **HOUSE BILL NO. 1653** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1653

Amend **HOUSE BILL NO. 1653** as originally introduced:

Page 4, delete lines 8 through 12, and substitute the following:

"(2)(A) If the entry is to a facility where poultry is regularly kept, entry shall not occur without prior owner notification.

(B) Documentation of bio-security measures taken and bio-security certification received by the inspection agent, including a bio-security log book, shall be available to the owner upon request.

(C) Notify the landowner at least twenty-four (24) hours before entry.

(D) Upon notice of disease outbreak by the Arkansas Livestock and Poultry Commission, inspection under this subchapter shall be automatically suspended until notification by the Arkansas Livestock and Poultry Commission that it is safe to resume inspections."

/s/ Preston Scroggin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Scroggin, **HOUSE BILL NO. 1654** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1654

Amend **HOUSE BILL NO. 1654** as engrossed, H3/5/03:

Page 5, line 22, delete "five (5) acres" and substitute "five (5) acres two and one half (2 1/2) acres"

AND

Page 5, line 31, delete "may" and substitute "shall"

AND

Page 7, line 7, delete "a certified nutrient applicator" and substitute "any user"

AND

Page 7, delete lines 9 through 11 and substitute the following: "utilization of the poultry litter."

AND

Page 8, line 2, delete "plans in" and substitute "plans and implementation of alternative use plans in"

AND

Page 8, delete lines 12 through 15 and substitute the following:

"(2)(A) If the entry is to a facility where poultry is regularly kept, entry shall not occur without prior owner notification.

(B) Documentation of bio-security measures taken and bio-security certification received by the inspection agent, including a bio-security log book, shall be available to the owner upon request.

(C) Notify the landowner at least twenty-four (24) hours before entry.

(D) Upon notice of disease outbreak by the Arkansas Livestock and Poultry Commission, inspection under this subchapter shall be automatically suspended until notification by the Arkansas Livestock and Poultry Commission that it is safe to resume inspections."

AND

Page 8, line 24, delete "five thousand dollars (\$5,000)" and substitute "twenty-five hundred dollars (\$2,500)"

AND

Page 9, delete lines 5 through 12

AND

Page 9, line 14, delete "15-20-1115" and substitute "15-20-1114"

/s/ Preston Scroggin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative King, HOUSE BILL NO. 2302 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2302

Amend HOUSE BILL NO. 2302 as originally introduced:

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

AND

Page 2, line 1 delete "No" and substitute "~~No~~ no"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Agee, HOUSE BILL NO. 2389 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2389

Amend HOUSE BILL NO. 2389 as originally introduced:

Page 1, line 32, delete "for city court cases and"

/s/ Sarah Agee

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

/s/ Ms. Jo Renshaw
Chief Clerk

The House gave Representative Borhauer unanimous leave to withdraw HOUSE BILL NO. 2324.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

March 13, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1014 BY REPRESENTATIVE KING, ET AL
 HOUSE BILL NO. 1176 BY REPRESENTATIVE BOLIN
 HOUSE BILL NO. 1424 - TITLE - BY REPRESENTATIVE BOND, ET AL
 HOUSE BILL NO. 1488 - TITLE - BY REPRESENTATIVE MAHONY, ET AL
 HOUSE BILL NO. 1571 BY REPRESENTATIVE NAPPER, ET AL
 HOUSE BILL NO. 1526 - TITLE - BY REPRESENTATIVE C. TAYLOR
 HOUSE BILL NO. 1543 BY REPRESENTATIVE DANGEAU
 HOUSE BILL NO. 1620 - TITLE - BY REPRESENTATIVE JEFFREY, ET AL
 HOUSE BILL NO. 1634 BY REPRESENTATIVE NAPPER
 HOUSE BILL NO. 1652 BY REPRESENTATIVE SCROGGIN, ET AL
 HOUSE BILL NO. 1653 BY REPRESENTATIVE SCROGGIN
 HOUSE BILL NO. 1654 BY REPRESENTATIVE SCROGGIN, ET AL
 HOUSE BILL NO. 1730 BY REPRESENTATIVE WEAVER, ET AL
 HOUSE BILL NO. 1728 BY REPRESENTATIVE PICKETT, ET AL
 HOUSE BILL NO. 1933 BY REPRESENTATIVE ADAMS
 HOUSE BILL NO. 1934 - TITLE - BY REPRESENTATIVE ADAMS
 HOUSE BILL NO. 1965 BY REPRESENTATIVE HAAK
 HOUSE BILL NO. 1987 BY REPRESENTATIVE HUTCHINSON
 HOUSE BILL NO. 2192 BY REPRESENTATIVE R. SMITH
 HOUSE BILL NO. 2201 BY REPRESENTATIVE KING
 HOUSE BILL NO. 2221 BY REPRESENTATIVE R. SMITH
 HOUSE BILL NO. 2236 - TITLE - BY REPRESENTATIVE PENIX, ET AL
 HOUSE BILL NO. 2302 BY REPRESENTATIVE KING
 HOUSE BILL NO. 2326 BY REPRESENTATIVE WOOD
 HOUSE BILL NO. 2336 BY REPRESENTATIVE SCHULTE, ET AL
 HOUSE BILL NO. 2349 BY REPRESENTATIVE CHILDERS
 HOUSE BILL NO. 2361 BY REPRESENTATIVE WOOD, ET AL
 HOUSE BILL NO. 2363 BY REPRESENTATIVE JACKSON, ET AL
 HOUSE BILL NO. 2372 BY REPRESENTATIVE KING
 HOUSE BILL NO. 2389 BY REPRESENTATIVE AGEE
 HOUSE BILL NO. 2413 BY REPRESENTATIVE NAPPER, ET AL
 HOUSE BILL NO. 2415 BY REPRESENTATIVE NAPER
 HOUSE BILL NO. 2453 BY REPRESENTATIVE BRIGHT

ENGROSSED BILL REPORTS, (continued)

- HOUSE BILL NO. 2480 - TITLE - BY REPRESENTATIVE WOOD
- HOUSE BILL NO. 2605 - TITLE - BY REPRESENTATIVE HUTCHINSON, ET AL
- HOUSE BILL NO. 2620 BY REPRESENTATIVE MAHONY
- HOUSE BILL NO. 2677 BY REPRESENTATIVE MAHONY
- HOUSE BILL NO. 2693 BY REPRESENTATIVE MAHONY
- HOUSE BILL NO. 2735 - TITLE - BY REPRESENTATIVE HUTCHINSON, ET AL
- HOUSE BILL NO. 2752 BY REPRESENTATIVE BOOKOUT, ET AL
- HOUSE BILL NO. 2767 - TITLE - BY REPRESENTATIVE HUTCHINSON, ET AL
- HOUSE BILL NO. 2886 BY REPRESENTATIVE C. TAYLOR
- HOUSE JOINT RESOLUTION NO. 1017 BY REPRESENTATIVE KING
- SENATE BILL NO. 190 BY SENATOR WOOLDRIDGE
- SENATE BILL NO. 307 BY SENATOR BROADWAY AND
BY REPRESENTATIVE C. JOHNSON, ET AL

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1424

BY: REPRESENTATIVES BOND, *BRIGHT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE A LIABILITY INSURANCE POOL FOR NURSING HOME PATIENTS; TO PROVIDE COURT AND ADMINISTRATIVE PROCEDURES FOR PERSONAL INJURY CLAIMS AGAINST NURSING HOMES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1488

BY: REPRESENTATIVES MAHONY, *THOMASON*
BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE ARKANSAS CRIME INFORMATION CENTER AND THE ARKANSAS STATE POLICE TO RELEASE CERTAIN CRIMINAL HISTORY INFORMATION TO THE PUBLIC FOR A FEE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1526

BY: REPRESENTATIVE C. TAYLOR

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ENHANCE AND UPDATE THE ARKANSAS TAX-DEFERRED TUITION SAVINGS PROGRAM; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1620

BY: REPRESENTATIVES JEFFREY, ADAMS, BOLIN, CLEVELAND, EDWARDS, L. EVANS, JACKSON, JACOBS, MAHONY, MARTIN, L. PRATER, SCRIMSHIRE, STOVALL, SULLIVAN, MACK

BY: SENATORS G. JEFFRESS, WHITAKER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO STANDARDIZE FORMS FOR RECORDING PURPOSES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1934

BY: REPRESENTATIVE ADAMS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REMOVE THE AFFIRMATIVE *DEFENSE* FROM SEXUAL ASSAULT IN THE FIRST DEGREE THAT THE OFFENDER WAS NOT MORE THAN THREE YEARS OLDER THAN THE VICTIM; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2236

BY: REPRESENTATIVE PENIX, WALTERS, *BRIGHT*, *KEY*, *ROSENBAUM*, *R. SMITH*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE CONTINUOUS QUALITY IMPROVEMENT PROGRAMS AS A CONDITION FOR LONG-TERM CARE FACILITIES TO PARTICIPATE IN AN INSURANCE POOL; TO REQUIRE EDUCATION FOR NURSE AIDES IN LONG-TERM CARE FACILITIES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2480

BY: REPRESENTATIVE WOOD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW STATE FUNDED COLLEGES AND UNIVERSITIES TO WAIVE UP TO TWENTY-FIVE PERCENT (25%) OF TUITION COSTS FOR QUALIFIED MEMBERS OF THE ARKANSAS ARMY AND AIR NATIONAL GUARD RECEIVING FEDERAL TUITION ASSISTANCE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2605

BY: REPRESENTATIVES HUTCHINSON, *PARKS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR THE REFINANCING OF EXISTING SCHOOL BONDS IN ORDER TO GENERATE SAVINGS WHICH MAY BE USED TOWARD IMMEDIATE EDUCATION NEEDS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2735

BY: REPRESENTATIVES HUTCHINSON, *PARKS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW VOTERS TO APPROVE A TAX INCREASE FOR THE PURPOSE OF FUNDING EDUCATION IN A SPECIAL ELECTION; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2767

BY: REPRESENTATIVES HUTCHINSON, *PARKS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PERMIT THE CHIEF FISCAL OFFICER OF THE STATE TO TRANSFER MONEY FROM EXISTING SOURCES FOR IMPROVING THE QUALITY OF EDUCATION; AND FOR OTHER PURPOSES.

Upon motion of Representative Dickinson, **SENATE BILL NO. 190** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 190

Amend **SENATE BILL NO. 190** as originally introduced:

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code § 6-50-702 is amended to read as follows:
6-50-702. Definitions."

AND

Page 2, delete lines 23 and 24 and substitute the following:

"(C) Fifty percent (50%) of eligible participants completing each course must be employees of eligible companies;"

AND

Page 2, delete line 27 and substitute the following:

"income tax;

(6) "Full time instructor or trainer" means a person who works a minimum of thirty (30) hours per week on at least a nine-month contract length and has the normal fringe benefit package available to any employee the institution considers to be a full time employee;"

AND

Page 2, line 28, delete "(6)" and substitute "~~(6)~~(7)"

AND

Page 2, line 31, delete "(7)" and substitute "~~(7)~~(8)"

AND

Page 2, line 34, delete "(8)(A)" and substitute "~~(8)~~(9)(A)"

AND

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

"(B) ~~except that~~ However, for purposes of this subchapter, Texarkana College may be considered a state-supported educational institution for the purpose of delivering training services to eligible companies located in Miller County, Arkansas, ~~provided that~~ if Texarkana College continues to waive out-of-state tuition for residents of Arkansas."

AND

Page 3, line 28, delete "or" and substitute "ø"

AND

Page 3, delete line 32 and substitute the following:

"delivered by a full time instructor or trainer with fifty percent (50%) or more eligible participants completing the course."

AND

Page 4, delete line 3 and substitute the following:

"amount of support will be reduced proportionally;

(iii) The instructional hour rate, established by the governing council, not to exceed fifty dollars (\$50.00) per instructional hour times the number of instructional hours by adjunct or part time instructors or trainers with fifty percent (50%) or more eligible participants completing each course;

(iv) The instructional hour rate, established by the governing council, not to exceed thirty-five dollars (\$35.00) per instructional hour times the number of instructional hours for safety related training; or

(v) The instructional hour rate, established by the governing council, not to exceed thirty-five dollars (\$35.00) per instructional hour times the number of instructional hours for all courses with less than fifty percent (50%) eligible participants completing each course."

AND

Page 4, line 15, delete "and" and substitute "and"

AND

Page 4, delete lines 18 through 21 and substitute the following:

"without a unanimous vote of the governing council."

/s/ Tommy Dickinson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative C. Johnson, **SENATE BILL NO. 307** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 307

Amend **SENATE BILL NO. 307** as originally introduced:

Page 1, line 30, delete "eleven (11)" and substitute "fifteen (15)"

AND

Page 1, line 31, delete "Five (5)" and substitute "Seven (7)"

AND

Page 1, line 36, delete "Two (2)" and substitute "Four (4)"

AND

Page 2, line 2, delete "Five (5)" and substitute "Seven (7)"

AND

Page 2, line 7, delete "Two (2)" and substitute "Four (4)"

AND

Page 2, line 18, delete "Six (6)" and substitute "Eight (8)"

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE CONCURRENT RESOLUTION NO. 1016

BY: REPRESENTATIVE MAHONY

URGING THE UNITED STATES CONGRESS TO PASS THE ESTATE TAX REPEAL ACCELERATION (EXTRA) FOR FAMILY-OWNED BUSINESSES AND FARMS ACT.

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

SENATE CONCURRENT RESOLUTION NO. 17

BY: SENATOR FARIS

COMMENDING DORTHA SCOTT FOR PRODUCING THE WINNING DESIGN FOR THE ARKANSAS QUARTER.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. THE RESOLUTION RECEIVED UNANIMOUS VOTE.

SENATE CONCURRENT RESOLUTION NO. 6

BY: SENATOR ARGUE

RECOGNIZING THE CONTRIBUTION MADE BY THE ARKANSAS BLUE RIBBON COMMISSION ON PUBLIC EDUCATION TOWARD IMPROVING THE STATE'S SYSTEM OF PUBLIC EDUCATION AND EXPRESSING APPRECIATION FOR A JOB WELL DONE.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. THE RESOLUTION RECEIVED UNANIMOUS VOTE.

SENATE CONCURRENT RESOLUTION NO. 8

BY: SENATOR ARGUE

TO SALUTE THE ARKANSAS ADVOCATES FOR CHILDREN & FAMILIES ON ITS 25TH ANNIVERSARY; AND TO THANK IT FOR ATTENDING TO THE NEEDS OF ARKANSAS' CHILDREN AND FOR GIVING CHILDREN A VOICE IN THE DEN OF VOICES THAT CONFRONT THIS BODY.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. THE RESOLUTION RECEIVED UNANIMOUS VOTE.

SENATE CONCURRENT RESOLUTION NO. 10

BY: SENATOR FARIS

RECOGNIZING AND COMMENDING THE HONORABLE MAHLON GRIGSBY FOR HIS PUBLIC SERVICE.

THE RESOLUTION WAS READ AND ADOPTED BY MORE THAN 51 VOTES. THE RESOLUTION RECEIVED UNANIMOUS VOTE.

HOUSE BILL NO. 1984

BY: REPRESENTATIVE SCRIMSHIRE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Childers, Haak, Lewellen, Pace, Pritchard, Rankin, Sumpter, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2287

BY: REPRESENTATIVE MACK

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Pritchard, Rankin, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2288

BY: REPRESENTATIVE THYER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Haak, House, Pritchard, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative96

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2330

BY: REPRESENTATIVE MARTIN

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: L. Evans, Norton, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

Morning Hour Expired.

HOUSE BILL NO. 2304

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Hardwick, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE: Berry, Haak, Harris, Lamoureux.

Total4

ABSENT OR NOT VOTING: House, Hutchinson, Jones, Scroggin, Mr. Speaker.

Total5

VOTING PRESENT: Norton, Parks, Schulte.

Total3

Total number of votes cast.....95

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2181

BY: REPRESENTATIVE GOSS

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Pickett, Scroggin, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2181**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Pickett, Scroggin, Mr. Speaker.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 1459

BY: REPRESENTATIVE VERKAMP

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

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total90

NEGATIVE: Bolin, D. Evans, Norton, Pate, Scroggin, Sullivan.

Total6

ABSENT OR NOT VOTING: Adams, Scrimshire, Mr. Speaker.

Total3

VOTING PRESENT: Mathis.

Total1

Total number of votes cast97

Total number voting in the affirmative90

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1742

BY: REPRESENTATIVE SUMPTER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total88

NEGATIVE: Berry, Nichols, Petrus.

Total3

ABSENT OR NOT VOTING: Green, Jones, Moore, Schulte, R. Smith, Stovall, Verkamp, Walters, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

Upon motion of Representative Sumpter the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1742**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Weaver, White, Wood.

Total88

NEGATIVE: Berry, Nichols, Petrus.

Total3

ABSENT OR NOT VOTING: Green, Jones, Moore, Schulte, R. Smith, Stovall, Verkamp, Walters, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative88

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Sumpter the Clincher motion prevailed.

HOUSE BILL NO. 2204

BY: REPRESENTATIVE OGLESBY

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE: Nichols.

Total1

ABSENT OR NOT VOTING: Bond, Jeffrey, Lewellen, Thyer, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2334

BY: REPRESENTATIVE FERGUSON

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Goss, Jackson, Jeffrey, Sumpter, Mr. Speaker.

Total6

VOTING PRESENT: Edwards.

Total1

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

Motion was made by Representative Ferguson to hold HOUSE BILL NO. 2334 in the House until ordered transferred by Representative Ferguson. Motion passed.

HOUSE BILL NO. 2293

BY: REPRESENTATIVE CREEKMORE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Goss, Penix, Sumpter, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1129

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: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Gillespie, Goss, Sumpter, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1305

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: Adams, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Petrus, Pickett, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, Wood.

Total82

NEGATIVE: Chesterfield, Dobbins, Hathorn, Pate, Thomason, White.

Total6

ABSENT OR NOT VOTING: Bennett, Bolin, Goss, Matayo, Mathis, Penix, L. Prater, S. Prater, Seawel, Sumpster, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative82

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2235

BY: REPRESENTATIVE DEES

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Goss, Penix, Sumpter, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2194

BY: REPRESENTATIVE BRADFORD

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Cowling, Goss, Lewellen, Mathis, Norton, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

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. 2194**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Cowling, Goss, Lewellen, Mathis, Norton, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 424

BY: SENATOR BAKER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total98

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Thomas, Mr. Speaker.

Total2

VOTING PRESENT:

Total0

Total number of votes cast.....98

Total number voting in the affirmative98

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 424**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total	98
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Thomas, Mr. Speaker.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	98
Total number voting in the affirmative	98
Necessary to the adoption of the emergency clause.....	67

So the Emergency Clause was adopted.

SENATE BILL NO. 305

BY: SENATOR BISBEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Cowling, Edwards, Goss, Roebuck, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

SENATE BILL NO. 367

BY: SENATOR LUKER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE: L. Prater.

Total1

ABSENT OR NOT VOTING: Bolin, Goss, Jackson, Mathis, Norton, Stovall, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

SENATE BILL NO. 60

BY: SENATOR ALTES

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: Agee, Anderson, Bennett, Bledsoe, Bond, Borhauer, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, D. Evans, L. Evans, Ferguson, Gillespie, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, C. Johnson, Kenney, Key, King, Lamoureux, Matayo, Mathis, Medley, Moore, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, R. Smith, Stovall, Sullivan, C. Taylor, Thyer, Verkamp, Walters, White, Wood.

Total58

NEGATIVE: Blair, Chesterfield, Edwards, Elliott, Fite, Gipson, J. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mahony, Milligan, Pate, L. Prater, Scrimshire, Seawel, Thomas, Thomason, Weaver.

Total21

ABSENT OR NOT VOTING: Adams, Biggs, Bolin, P. Bookout, Goss, Jacobs, Napper, Nichols, Norton, Oglesby, Roebuck, Scroggin, Sumpter, J. Taylor, Mr. Speaker.

Total15

VOTING PRESENT: Berry, Creekmore, Hathorn, Mack, Martin, Pickett.

Total6

Total number of votes cast.....85

Total number voting in the affirmative58

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 60**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Agee, Anderson, Bennett, Bledsoe, Bond, Borhauer, Bright, Childers, Cowling, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Gillespie, Green, Haak, Hardwick, Harris, House, Hutchinson, Jacobs, Jeffrey, C. Johnson, Kenney, Key, King, Lamoureux, Mack, Martin, Matayo, Mathis, Medley, Moore, Napper, Oglesby, Ormond, Pace, Parks, Penix, Petrus, S. Prater, Pritchard, Rankin, Rosenbaum, Schulte, R. Smith, Stovall, Sullivan, C. Taylor, Thyer, Verkamp, Walters, White, Wood.

Total59

NEGATIVE: Biggs, Blair, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Edwards, Fite, Gipson, Hathorn, J. Johnson, Jones, Judy, Ledbetter, Lendall, Mahony, Milligan, Pate, Pickett, L. Prater, Scrimshire, Seawel, Thomason, Weaver.

Total25

ABSENT OR NOT VOTING: Adams, Bolin, P. Bookout, Goss, Hickinbotham, Jackson, Lewellen, Nichols, Norton, Roebuck, Scroggin, Sumpter, J. Taylor, Thomas, Mr. Speaker.

Total15

VOTING PRESENT: Berry.

Total1

Total number of votes cast85

Total number voting in the affirmative59

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1129 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1305 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1459 BY REPRESENTATIVE VERKAMP
 HOUSE BILL NO. 1742 BY REPRESENTATIVE SUMPTER
 HOUSE BILL NO. 1786 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1886 BY REPRESENTATIVE JUDY
 HOUSE BILL NO. 2181 BY REPRESENTATIVE GOSS
 HOUSE BILL NO. 2194 BY REPRESENTATIVE BRADFORD
 HOUSE BILL NO. 2199 BY REPRESENTATIVE COWLING
 HOUSE BILL NO. 2200 BY REPRESENTATIVE COWLING
 HOUSE BILL NO. 2204 BY REPRESENTATIVE OGLESBY
 HOUSE BILL NO. 2207 BY REPRESENTATIVE HARRIS
 HOUSE BILL NO. 2235 BY REPRESENTATIVE DEES
 HOUSE BILL NO. 2276 BY REPRESENTATIVE THOMASON
 HOUSE BILL NO. 2277 BY REPRESENTATIVE BOLIN
 HOUSE BILL NO. 2293 BY REPRESENTATIVE CREEKMORE
 HOUSE BILL NO. 2304 BY REPRESENTATIVE MAHONY

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
 ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1016
 BY REPRESENTATIVE MAHONY

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 60 BY SENATOR ALTES
 AS AMENDED EMERGENCY CLAUSE FAILED OF ADOPTION
 SENATE BILL NO. 167 BY SENATOR FARIS
 SENATE BILL NO. 305 BY SENATOR BISBEE
 SENATE BILL NO. 367 BY SENATOR LUKER
 SENATE BILL NO. 424 BY SENATOR BAKER

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT RESOLUTION NO. 6 BY SENATOR ARGUE
 SENATE CONCURRENT RESOLUTION NO. 8 BY SENATOR ARGUE
 SENATE CONCURRENT RESOLUTION NO. 10 BY SENATOR FARIS
 SENATE CONCURRENT RESOLUTION NO. 17 BY SENATOR FARIS

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1030 BY REPRESENTATIVE HOUSE
 AS AMENDED #1, 3, 4
 HOUSE BILL NO. 1625 BY REPRESENTATIVE WEAVER

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 274 BY SENATOR WOMACK
 SENATE BILL NO. 275 BY SENATOR GLOVER
 SENATE BILL NO. 316 BY SENATOR FARIS
 SENATE BILL NO. 331 BY SENATOR MILLER
 SENATE BILL NO. 336 BY SENATOR MILLER
 SENATE BILL NO. 432 BY SENATOR CAPPS
 SENATE BILL NO. 500 BY SENATOR MALONE
 SENATE BILL NO. 651 BY SENATOR FARIS
 SENATE BILL NO. 660 BY SENATOR WOOLDRIDGE
 SENATE BILL NO. 760 BY SENATOR GLOVER
 SENATE BILL NO. 830 BY SENATOR CRITCHER
 SENATE BILL NO. 859 BY SENATOR ALTES
 SENATE BILL NO. 877 BY SENATOR J. BOOKOUT
 SENATE BILL NO. 895 BY SENATOR ARGUE
 SENATE BILL NO. 926 BY SENATOR MALONE

ARKANSAS SENATE
SENATE CONCURRENT RESOLUTIONS ADOPTED AND
TRANSMITTED TO THE HOUSE

SENATE CONCURRENT RESOLUTION NO. 22 BY SENATOR ARGUE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 13, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1470	BY REPRESENTATIVE SCRIMSHIRE
HOUSE BILL NO. 1650	BY REPRESENTATIVE BOYD
HOUSE BILL NO. 1651	BY REPRESENTATIVE BOYD
HOUSE BILL NO. 1688	BY REPRESENTATIVE KING
HOUSE BILL NO. 1689	BY REPRESENTATIVE KING
HOUSE BILL NO. 1690	BY REPRESENTATIVE KING, ET AL
HOUSE BILL NO. 1714	BY REPRESENTATIVE CREEKMORE
HOUSE BILL NO. 1721	BY REPRESENTATIVE PRITCHARD
HOUSE BILL NO. 1731	BY REPRESENTATIVE VERKAMP
HOUSE BILL NO. 1749	BY REPRESENTATIVES THYER, P. BOOKOUT
HOUSE BILL NO. 1751	BY REPRESENTATIVE THYER
HOUSE BILL NO. 1757	BY REPRESENTATIVES P. BOOKOUT, THYER
HOUSE BILL NO. 1758	BY REPRESENTATIVES P. BOOKOUT, THYER
HOUSE BILL NO. 1759	BY REPRESENTATIVES P. BOOKOUT, GIPSON
HOUSE BILL NO. 1776	BY REPRESENTATIVE WEAVER
HOUSE BILL NO. 1778	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1779	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1780	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1781	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1782	BY REPRESENTATIVE CLEVELAND
HOUSE BILL NO. 1783	BY REPRESENTATIVE CLEVELAND

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 10:56 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1470 BY REPRESENTATIVE SCRIMSHIRE
 HOUSE BILL NO. 1650 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1651 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1688 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1689 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1690 BY REPRESENTATIVE KING, ET AL
 HOUSE BILL NO. 1714 BY REPRESENTATIVE CREEKMORE
 HOUSE BILL NO. 1721 BY REPRESENTATIVE PRITCHARD
 HOUSE BILL NO. 1731 BY REPRESENTATIVE VERKAMP
 HOUSE BILL NO. 1749 BY REPRESENTATIVES THYER, P. BOOKOUT
 HOUSE BILL NO. 1751 BY REPRESENTATIVE THYER
 HOUSE BILL NO. 1757 BY REPRESENTATIVES P. BOOKOUT, THYER
 HOUSE BILL NO. 1758 BY REPRESENTATIVES P. BOOKOUT, THYER
 HOUSE BILL NO. 1759 BY REPRESENTATIVES P. BOOKOUT, GIPSON
 HOUSE BILL NO. 1776 BY REPRESENTATIVE WEAVER
 HOUSE BILL NO. 1778 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1779 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1780 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1781 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1782 BY REPRESENTATIVE CLEVELAND
 HOUSE BILL NO. 1783 BY REPRESENTATIVE CLEVELAND

/s/ Mike Huckabee - Governor

TIME: 10:56 a.m.

By: Sarah Martin

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 13, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1057 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1211 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1259 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1373 BY REPRESENTATIVE MATAYO
 HOUSE BILL NO. 1420 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1445 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1485 BY REPRESENTATIVE BLAIR
 HOUSE BILL NO. 1530 BY REPRESENTATIVE HUTCHINSON
 HOUSE BILL NO. 1568 BY REPRESENTATIVE CREEKMORE
 HOUSE BILL NO. 1569 BY REPRESENTATIVE CREEKMORE
 HOUSE BILL NO. 1584 BY REPRESENTATIVE MATAYO
 HOUSE BILL NO. 1597 BY REPRESENTATIVE VERKAMP
 HOUSE BILL NO. 1627 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1628 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1649 BY REPRESENTATIVE BOYD
 HOUSE BILL NO. 1575 BY REPRESENTATIVES MATAYO, HARRIS

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:00 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1057 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1211 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1259 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1373 BY REPRESENTATIVE MATAYO
HOUSE BILL NO. 1420 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1445 BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1485 BY REPRESENTATIVE BLAIR
HOUSE BILL NO. 1530 BY REPRESENTATIVE HUTCHINSON
HOUSE BILL NO. 1568 BY REPRESENTATIVE CREEKMORE
HOUSE BILL NO. 1569 BY REPRESENTATIVE CREEKMORE
HOUSE BILL NO. 1584 BY REPRESENTATIVE MATAYO
HOUSE BILL NO. 1597 BY REPRESENTATIVE VERKAMP
HOUSE BILL NO. 1627 BY REPRESENTATIVE KING
HOUSE BILL NO. 1628 BY REPRESENTATIVE KING
HOUSE BILL NO. 1649 BY REPRESENTATIVE BOYD
HOUSE BILL NO. 1575 BY REPRESENTATIVES MATAYO, HARRIS

/s/ Mike Huckabee - Governor

TIME: 11:00 a.m.

By: Sarah Martin

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

March 13, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1625 BY REPRESENTATIVE WEAVER, ET AL

HOUSE BILL NO. 1786 BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE BILL NO. 1886 BY REPRESENTATIVE JUDY, ET AL

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 4:26 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland
Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1625 BY REPRESENTATIVES WEAVER, ET AL

HOUSE BILL NO. 1786 BY REPRESENTATIVE CLEVELAND, ET AL

HOUSE BILL NO. 1886 BY REPRESENTATIVE JUDY, ET AL

/s/ Mike Huckabee - Governor

TIME: 4:26 p.m.

By: Cory Cox

HOUSE BILL NO. 2438 was transferred from the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 2486 was transferred from the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS to the Committee on JUDICIARY.

HOUSE BILL NO. 2223 was referred back to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2425 was transferred from the Committee on JUDICIARY to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 1658 was referred back to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE BILL NO. 1030 was referred back to the Committee on REVENUE AND TAXATION.

HOUSE BILL NO. 2236 was referred back to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2886 was referred back to the Committee on JUDICIARY.

HOUSE BILL NO. 2425 was transferred from the Committee on JUDICIARY to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

March 12, 2003

To Whom It May Concern:

I was called away from my seat during the vote on **HOUSE BILL NO. 1608**. My voting machine was inadvertently voted "yes". Had I been in my seat, I would have voted "no".

Sincerely,

/s/ Stephen Bright
State Representative

SB:cb

HOUSE RESOLUTION NO. 1022

BY: REPRESENTATIVES PICKETT, SCROGGIN, S. PRATER, PARKS

RECOGNIZING THE ACCOMPLISHMENTS OF THE CIVILIAN CONSERVATION CORPS.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 72

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 102

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENTENCING COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 145

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE POST PRISON TRANSFER BOARD FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 274

BY: SENATOR WOMACK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE TERM "WORKING DAY" AS IT APPLIES TO THE AMOUNT OF SICK LEAVE GRANTED TO MUNICIPAL FIRE FIGHTERS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 275

BY: SENATOR GLOVER

BY: REPRESENTATIVES SCHULTE, L. EVANS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE UNIFORM MACHINE GUN ACT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 276

BY: JOINT BUDGET COMMITTEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE CRIME LABORATORY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 316

BY: SENATOR FARIS

BY: REPRESENTATIVES SCRIMSHIRE, NICHOLS

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE LOCATION OF THE OFFICES OF THE ARKANSAS HISTORY COMMISSION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 331

BY: SENATORS MILLER, WOOLDRIDGE, GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW TO CLARIFY THE CREDIT AVAILABLE FOR INCOME TAX PAID TO ANOTHER STATE; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 336

BY: SENATORS MILLER, WOOLDRIDGE, GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 26-51-703 TO CLARIFY TAXPAYERS WHO ARE TAXABLE IN ANOTHER STATE FOR THE PURPOSES OF UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 432

BY: SENATOR CAPPS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE DUE DATE FOR FILING STATE INCOME TAX RETURNS TO THE DUE DATE FOR FILING THE CORRESPONDING FEDERAL INCOME TAX RETURN; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 500

BY: SENATOR MALONE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING FEES COLLECTED FOR VIOLATIONS OF THE ARKANSAS HOT CHECK LAW; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 651

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS WHISTLE-BLOWER ACT TO PROTECT PUBLIC EMPLOYEES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 660

BY: SENATOR WOOLDRIDGE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT EXPENSE TO THE COUNTY OF NEW TAXES BEING PLACED ON THE COUNTY TAX BOOKS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 760

BY: SENATOR GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE ARKANSAS DRUG DIRECTOR TO ESTABLISH A STANDARDIZED CONFISCATION REPORT FORM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 830

BY: SENATORS CRITCHER, STEELE, FARIS, HILL, ALTES, HORN, SALMON, J. BOOKOUT

BY: REPRESENTATIVES BRADFORD, BIGGS, AGEE, CLEMONS, CREEKMORE, DEES, ELLIOTT, BERRY, BLAIR, BLEDSOE, BORHAUER, BOND, BOYD, P. BOOKOUT, BRIGHT, BENNETT, CHESTERFIELD, CLEVELAND, COWLING, DANGEAU, DOBBINS, EASON, FERGUSON, FITE, GILLESPIE, GOSS, GREEN, HATHORN, HICKINBOTHAM, HOUSE, HUTCHINSON, JACKSON, JACOBS, J. JOHNSON, C. JOHNSON, JONES, JUDY, KEY, KING, LEDBETTER, LENDALL, LEWELLEN, MAHONY, MARTIN, MEDLEY, MILLIGAN, MOORE, NICHOLS, OGLESBY, PACE, PARKS, PENIX, PRITCHARD, S. PRATER, RANKIN, ROEBUCK, SEAWEL, SCRIMSHIRE, R. SMITH, SUMPTER, C. TAYLOR, THOMAS, WALTERS, WEAVER, WHITE, WOOD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE ARKANSAS SCHOOL OF PUBLIC HEALTH TO THE COLLEGE OF PUBLIC HEALTH OF THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 859

BY: SENATOR ALTES

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 8-6-706 TO ALLOW REGIONAL SOLID WASTE MANAGEMENT DISTRICTS TO ISSUE CERTIFICATES OF NEED WITH PERMITTED PROJECTED CAPACITY IN EXCESS OF THIRTY (30) YEARS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 877

BY: SENATOR J. BOOKOUT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND OBSOLETE PROVISIONS OF ARKANSAS CODE PERTAINING TUITION CHARGES; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 895

BY: SENATOR ARGUE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE PARENTAL AUTHORIZATION FOR SURVEYS OR QUESTIONNAIRES ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 926

BY: SENATOR MALONE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE DRIVERS TO MOVE INTO THE OUTSIDE LANE ON A MULTI-LANE HIGHWAY WHEN PASSING A LAW ENFORCEMENT OFFICER STOPPED ON THE SHOULDER OF THE ROAD WITH LIGHTS FLASHING; AND FOR OTHER PURPOSES.

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

SENATE CONCURRENT RESOLUTION NO. 22

BY SENATOR: ARGUE

A RESOLUTION TO SUPPORT THE ARKANSAS COMMITTED TO EDUCATION FOUNDATION.

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

Upon motion of Representative Gillespie, the House adjourned at 3:13 p.m. until 10:00 a.m. Friday, March 14, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

