

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

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Little Rock, Arkansas  
March 18, 2003

The House was called to order at 11:34 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, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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.

Total .....98

The following member(s) was absent and did not answer to the roll call: C. Johnson, Mack.

Total .....02

A quorum was present.  
Representative Dickinson was recorded present in the Chamber at 1:50 p. m.  
Unanimous leave was granted for Representative(s) C. Johnson, Mack.  
The House stood and was led in prayer by Representative House.  
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 18, 2003
RULES	MIKE CREEKMORE
	CHAIRPERSON
HOUSE BILL NO. 1754	DO PASS
BY REPRESENTATIVE HARRIS	
HOUSE BILL NO. 2216	DO PASS
BY REPRESENTATIVE GILLESPIE	
HOUSE BILL NO. 2447	DO PASS, AS AMENDED #1
BY REPRESENTATIVE BRIGHT	
HOUSE BILLS NO. 2508	DO PASS,
BY REPRESENTATIVE MATHIS	NON-CONTROVERSIAL
HOUSE BILL NO. 2849	DO PASS, AS AMENDED #1
BY REPRESENTATIVE BIGGS	
SENATE BILL NO. 433	DO PASS
BY SENATOR CRITCHER	
SENATE BILL NO. 532	DO PASS
BY REPRESENTATIVE T. SMITH	
SENATE BILL NO. 698	DO PASS,
BY SENATOR HORN	AS AMENDED #1 & #2
SENATE BILL NO. 711	DO PASS,
BY SENATOR WHITAKER	NON-CONTROVERSIAL
SENATE BILL NO. 727	DO PASS
BY SENATOR HILL	

COMMITTEE REPORT

	March 18, 2003
PUBLIC HEALTH, WELFARE	JAY BRADFORD
AND LABOR	CHAIRPERSON
HOUSE BILL NO. 1033	DO PASS, CONCUR IN
BY REPRESENTATIVE DOBBINS	SENATE AMENDMENTS 1, 2
HOUSE BILL NO. 2215	DO PASS,
BY REPRESENTATIVE THOMAS	NON-CONTROVERSIAL
HOUSE BILL NO. 2366	DO PASS,
BY REPRESENTATIVE ROEBUCK	NON-CONTROVERSIAL
HOUSE BILL NO. 2425	DO PASS
BY REPRESENTATIVE JUDY	

COMMITTEE REPORT (continued)

HOUSE RESOLUTION NO. 1022 BY REPRESENTATIVE PICKETT	DO PASS
SENATE BILL NO. 651 BY SENATOR FARIS	DO PASS, NON-CONTROVERSIAL
SENATE BILL NO. 830 BY SENATOR CRITCHER	DO PASS, NON-CONTROVERSIAL
SENATE BILL NO. 859 BY SENATOR ALTES	DO PASS

COMMITTEE REPORT

JUDICIARY	March 18, 2003 MIKE HATHORN CHAIRPERSON
HOUSE BILL NO. 1038 BY REPRESENTATIVE FERGUSON	DO PASS, CONCUR IN SENATE AMENDMENT 1, 2 & 3
HOUSE BILL NO. 2268 BY REPRESENTATIVE HUTCHINSON	DO PASS, AS AMENDED #1
HOUSE BILL NO. 2269 BY REPRESENTATIVE VERKAMP	DO PASS

COMMITTEE REPORT

REVENUE AND TAXATION	March 18, 2003 BOYD HICKINBOTHAM CHAIRPERSON
HOUSE BILL NO. 1030 BY REPRESENTATIVE HOUSE	DO PASS, CONCUR IN SENATE AMENDMENT #1, #3 & #4
HOUSE BILL NO. 1634 REPRESENTATIVE NAPPER	DO PASS
HOUSE BILL NO. 1980 BY REPRESENTATIVE BRADFORD	DO PASS AS AMENDED #3
HOUSE BILL NO. 2198 BY REPRESENTATIVE JACOBS	DO PASS
SENATE BILL NO. 336 BY SENATOR MILLER	DO PASS AS AMENDED #1

COMMITTEE REPORT(continued)

SENATE BILL NO. 343	DO PASS
BY SENATOR WOOLDRIDGE	
SENATE BILL NO. 345	DO PASS
BY SENATOR WOOLDRIDGE	
SENATE BILL NO. 402	DO PASS
BY SENATOR T. SMITH	
SENATE BILL NO. 555	DO PASS
BY SENATOR WOOLDRIDGE	
SENATE BILL NO. 660	DO PASS
BY SENATOR WOOLDRIDGE	

COMMITTEE REPORT

March 18, 2003

## EDUCATION

HARMON SEAWEL

CHAIRPERSON

HOUSE BILL NO. 1270	DO PASS
BY REPRESENTATIVE PICKETT	
HOUSE BILL NO. 2426	DO PASS
BY REPRESENTATIVE JUDY	
HOUSE BILL NO. 2480	DO PASS
BY REPRESENTATIVE WOOD	
HOUSE BILL NO. 2535	DO PASS
BY REPRESENTATIVE CLEVELAND	
SENATE BILL NO. 877	DO PASS,
BY SENATOR J. BOOKOUT	NON-CONTROVERSIAL

COMMITTEE REPORT

March 18, 2003

## PUBLIC TRANSPORTATION

JOHNNIE BOLIN

CHAIRPERSON

HOUSE BILL NO. 2340

DO PASS,

BY REPRESENTATIVE HOUSE

AS AMENDED #1 &amp; #2

HOUSE BILL NO. 2342

DO PASS

BY REPRESENTATIVE PETRUS

SENATE BILL NO. 399

DO PASS, AS AMENDED #1

BY SENATOR HENDREN

COMMITTEE REPORT

March 18, 2003

## JOINT BUDGET

PAUL WEAVER

CHAIRPERSON

HOUSE BILL NO. 1642

DO PASS,

BY JOINT BUDGET

AS AMENDED #2

HOUSE BILL NO. 1922

DO PASS,

BY JOINT BUDGET

AS AMENDED #1

HOUSE BILL NO. 2040

DO PASS

BY REPRESENTATIVE CLEVELAND

COMMITTEE REPORT

March 17, 2003

## AGRICULTURE, FORESTRY AND

JIMMY "RED" MILLIGAN

## ECONOMIC DEVELOPMENT

CHAIRPERSON

HOUSE BILL NO. 1652

DO PASS,

BY REPRESENTATIVE SCROGGIN

AS AMENDED #3

HOUSE BILL NO. 1653

DO PASS,

BY REPRESENTATIVE SCROGGIN

AS AMENDED #2

HOUSE BILL NO. 1654

DO PASS

BY REPRESENTATIVE SCROGGIN

AS AMENDED #3

HOUSE CONCURRENT RESOLUTION NO. 1033

DO PASS,

BY REPRESENTATIVE JUDY

AS AMENDED #1

SENATE BILL NO. 388

DO PASS,

BY SENATOR J. BOOKOUT

NON-CONTROVERSIAL

Upon motion of Representative R. SMITH, **HOUSE BILL NO. 2223** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2223**

Amend **HOUSE BILL NO. 2223** as originally introduced:

Page 1, line 12 delete "EMPLOYEE"

AND

Page 1, line 13 delete "ASSOCIATION" and substitute "EMPLOYER ORGANIZATION"

AND

Page 4, line 17 delete "Professional employer organization service organization" and substitute "Employer service assurance organization"

AND

Page 6, delete lines 9 through 21, and substitute the following:

"(f)(1) Applicants for licensing or a professional employer organization licensed under this subchapter hereby authorize the Arkansas Employment Security Division, the Workers' Compensation Commission, and the Arkansas Insurance Department, or their successors, to release otherwise confidential information to the other above named departments or commission concerning the applicant or professional employer organization upon the written request by the requesting division, department or commission.

(2) The Arkansas Employment Security Division, the Workers' Compensation Commission, and the Arkansas Insurance Department shall maintain the confidentiality of information received under subdivision (f)(1) of this section, unless the information is introduced into evidence at an administrative proceeding or at a civil or criminal trial arising out of a violation of this subchapter that involves the applicant, the professional employer organization, or the controlling person."

AND

Page 6, line 22, add the following:

"(g)(1) Neither this subchapter nor any professional employer agreement shall affect, limit, restrict, or modify the rights or obligations of any client, professional employer organization, or covered employee with respect to the payment of wages as required by contract or by state or federal law.

(2) Neither this subchapter nor any professional employer agreement shall affect, limit, restrict, or modify the rights or obligations of any client, professional employer organization, or covered employee with respect to compliance with the following:

(A) Arkansas Code, Title 11, Chapters 2 through 7, Chapter 10, and Chapter 12;

(B) Arkansas Code, §§ 20-20-301 through 20-20-303;

(C) Arkansas Code §§ 22-9-301 through 22-9-315, commonly referred to as the Arkansas Prevailing Wage Law;

(D) The Arkansas Civil Rights Act of 1993, §§ 16-123-101 et seq.;

(E) The Public Employees' Chemical Right to Know Act, §§ 8-7-1001 et seq; and

(F) Arkansas Code § 7-1-102 concerning voting time, § 16-31-106 concerning jury duty, and § 21-4-101 concerning leave of absence for public service.”

AND

Page 7, delete lines 23 through 27 and substitute the following:

“(ii) The financial statement under subdivision (b)(1)(H)(i) of this section shall be prepared in accordance with generally accepted accounting principles, and unless the professional employer organization provides financial assurance as set forth in § 22-92-408(a)(2), the financial statement shall be audited by an independent certified public accountant licensed to practice in Arkansas or the state of domicile of the professional employer organization.”

AND

Page 7, line 29 delete “audited or reviewed”

AND

Page 8, line 20 delete “(d)(3)(ii)(a)” and substitute “(d)(3)(B)(ii)(a)”

AND

Page 8, line 26 delete “(d)(3)(ii)(a)” and substitute “(d)(3)(B)(ii)(a)”

AND

Page 9, line 22 delete “organization s” and substitute “organizations”

AND

Page 13, line 27 delete “Insurance Commissioner” and substitute “commissioner”

AND

Page 15, line 8 delete “seciton” and substitute “section”

AND

Page 17, line 15 delete “(c)(4)(1)” and substitute “(c)(4)(B)(1)”

AND

Page 17, line 18 delete “(c)(4)(2)” and substitute “(c)(4)(B)(2)”

AND

Page 19, line 30 delete “§ 23-92-311” and substitute “§ 23-92-411”

AND

Page 20, line 27 delete “employee leasing firm” and substitute “professional employer organization”

AND

Page 20, line 30 delete “employee leasing”

AND

Page 20, line 31 delete “firm” and substitute “professional employer organization”

AND

Page 24, line 12 delete “Professional employer organization service organization” and substitute “Employer service assurance organization”

AND

Page 24, line 14, delete “commissioner” and substitute “Insurance Commissioner”

AND

Page 24, line 15 delete “professional employer organization service organization” and substitute “employer service assurance organization”

AND

Page 24, delete lines 17 and 18 and substitute the following:

“of the requirements under §§ 23-92-404 through 23-92-406 and § 23-92-408, and the fees provided for in § 23-92-407.”

AND

Page 24, line 19 delete “professional employer organization service” and substitute “employer service assurance”

AND

Page 24, line 23 delete “professional employer organization service” and substitute “employer service assurance”

AND

Page 24, line 25 delete “professional employer organization service organization” and substitute “employer service assurance organization”

AND

Page 24, delete line 26 and substitute the following:

“service relating to the regulation of professional employer organizations, and no state agency, professional employer organization, or insurer shall utilize the services of the organization for those purposes, unless the organization has obtained a license from the commissioner.”

AND

Page 24, line 28 delete “professional employee organization” and substitute “employer service assurance organization”

AND

Page 24, line 29 delete "State Insurance"

AND

Page 24, line 30 delete "Commissioner" and substitute "commissioner"

AND

Page 24, line 31 delete "professional employer organization service organization" and substitute "employer service assurance organization"

AND

Page 24, line 36 delete "professional employer organization service organization" and substitute "employer service assurance organization"

AND

Page 25, delete lines 20 and 21 and substitute the following:

"for which the employer service assurance organization provides an affidavit under § 23-92-414."

AND

Page 25, line 25 delete "professional employer organization service organization's" and substitute "employer service assurance organization's"

AND

Page 25, line 36 delete "professional employer organization service" and substitute "employer service assurance"

AND

Page 26, line 1 delete "§ 23-92-315" and substitute "§ 23-92-414"

AND

Page 26, line 5 delete "§§ 23-92-301 - 23-92-320" and substitute "§§ 23-92-401 through 23-92-419"

AND

Page 26, line 7 delete "§§ 23-92-301 - 23-92-320" and substitute "§§ 23-92-401 through 23-92-419"

AND

Page 26, line 27 delete "professional employer organization service organization" and substitute "employer service assurance organization"

Page 27, line 1 delete "Professional service organizations" and substitute "Employer service assurance organizations"

AND

Page 27, line 2 delete "professional employer organization" and substitute "employer service assurance organization"

AND

Page 27, line 5 delete "professional employer organization service organization" and substitute "employer service assurance organization"

AND

Page 27, line 9 delete "professional employer organization service organization" and substitute "employer service assurance organization"

AND

Page 27, line 23 delete "Professional employer organization service organization" and substitute "Employer service assurance organization"

AND

Page 27, line 25 delete "professional employer organization service organization" and substitute "employer service assurance organization"

AND

Page 27, line 27 delete "§§ 23-92-314 and 23-92-319;" and substitute "§§ 23-92-414 and 23-92-419(b);"

AND

Page 27, line 36 delete "professional employer service organization" and substitute "employer service assurance organization"

AND

Page 28, line 2 delete "23-92-319" and substitute "23-92-414 or § 23-92-419(b)"

AND

Page 28, line 15 delete "professional employer organization service organizations" and substitute "employer service assurance organizations"

AND

Page 28, line 16 delete "rates and other"

AND

Page 28, line 19 delete "professional"

AND

Page 28, line 20 delete "employer organization service organizations" and substitute "employer service assurance organizations"

AND

Page 28, line 26 delete "professional employer organization service" and substitute "employer service assurance"

AND

Page 28, delete line 32 and 33 and substitute the following:

“Rate service organizations and employer service assurance organizations, annual continuation of”

AND

Page 29, line 29 delete “professional service organization” and substitute “\_”

/s/ R. Smith

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative J. JOHNSON, **HOUSE BILL NO. 2887** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2887**

Amend **HOUSE BILL NO. 2887** as originally introduced:

Add Representatives Penix, Chesterfield, Thomas, Dangeau, Fite, Seawel, Green, Weaver, Hardwick, Pickett, Elliott, Dickinson and Jacobs as cosponsors of the bill

AND

Page I, line 28, delete “administrators” and substitute “school district employees”

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative J. JOHNSON, HOUSE BILL NO. 2802 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2802

Amend HOUSE BILL NO. 2802 as originally introduced:

Add Representatives Thomas, Chesterfield, Dagneau, Fite, Seawel, Green, C. Johnson, Dickinson, Weaver, Elliot, Jacobs, Mahony, White and Wood as cosponsors of the bill

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative J. JOHNSON, HOUSE BILL NO. 2514 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2514

Amend HOUSE BILL NO. 2514 as originally introduced:

Add Representatives Chesterfield, Thomas, Dangeau, Fite, Green, C. Johnson, White, Mahony, Wood, Weaver, Pickett, Jacobs, Hardwick, and Elliot as cosponsors of the bill

AND

Page 1, line 26, delete "meeting" And substitute "disciplinary or grievance matter"

/s/ Janet Johnson

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. 2476** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2476**

Amend **HOUSE BILL NO. 2476** as originally introduced:

Page 1, delete Section 1. of the bill and substitute a new Section 1. to read as follows:

"SECTION 1. Arkansas Code Title 12, Chapter 41, Subchapter 7 is amended to read as follows:

Subchapter 7 - ~~County and City Jails~~ Jail Boards - Revenue Bonds

12-41-701. Definitions.

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

(1) "Bonds" means ~~bonds, and any series of bonds, or other evidences of indebtedness~~ authorized by and issued by a ~~county or municipality board~~ pursuant to the provisions of this subchapter;

(2) "Jail" means ~~the a county jail, or jails, and jail facilities of a county, or a municipal jail, or jails, and jail facilities of any a municipality, or a public instrumentality jail, or jails, and jail facilities of a public instrumentality~~ in this state. The term "jail" shall also mean a jail constructed and operated under a cooperative agreement between any two (2) or more municipalities, ~~two (2) or more counties, or one (1) or more municipalities~~ public instrumentalities in any combination and ~~one (1) or more counties, for the incarceration housing of their respective prisoners~~ misdemeanant incarcerants, and other incarcerants awaiting trial;

(3) "Jail facilities" means all property of any nature, whether personal or real, tangible or intangible, related in any way to a jail and its functions;

~~(3)~~(4) "Board" means the county jail board, ~~or the municipal jail board, or public instrumentality jail board~~ as the case may be, established by ordinance or resolution of the quorum court of the county, or the governing body of the municipality or public instrumentality under the provisions of this subchapter;

~~(4)~~(5) "Construct" or "construction" means to acquire, construct, reconstruct, remodel, install, and equip any lands, buildings, structures, improvements, or other real, personal, or mixed property used in connection with a jail and to make other necessary expenditures in connection therewith, by such methods and in such manner as may be authorized by law. The term "construct" or "construction" also includes payment or provision for payment of expenses incidental thereto;

~~(5)(6)~~ "Expansion" "Expand" or "expansion" means ~~any additions, renovations, extensions, or improvements to a county or municipal jail or jail facility to add, renovate, extend, or improve a jail~~ and may include any necessary or appropriate remodeling or improvement to a present jail and shall include appropriate equipment and furnishings as determined by the board. The term "expand" or "expansion" also includes payment or provision for payment of expenses incidental to expansion;

~~(6)(7)~~ "Fines" or "fines and penalties" means the fines, ~~or penalties, bonds against fines, court costs, filing fees, other court fees, and other sums payable by judicial order, statute, ordinance, or otherwise~~ imposed by law and collected by a county, ~~or a municipality, or public instrumentality or otherwise~~ for convictions arising from each of the offenses listed below:

(A) Operating or being in actual physical control of a motor vehicle while intoxicated; "intoxicated" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself or other motorists or pedestrians;

(B) Operating or being in actual physical control of a motor vehicle while impaired by alcohol or drugs; the word "impaired" meaning, for the purposes of this subchapter, influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reaction, motor skills, and judgment are reduced or lessened and the driver constitutes a threat of physical injury or death to himself or other motorists or pedestrians;

(C) Operating or being in actual physical control of a motor vehicle if, at that time, there was an alcohol concentration of eight-hundredths (0.08) or more in the person's breath or blood, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance;

~~(7)(8)~~ "Pledged revenues" means all revenues allocated by this subchapter to be pledged for the security and payment of the bonds; ~~and~~

~~(8)(9)~~ "Municipality" means any city of the first class or city of the second class and any incorporated town in this state; and

(10) "Public instrumentality" means any public facilities board, regardless of whether formed by county or municipal ordinance, and any other governmental or political subdivision of this state.

12-41-702. Method supplemental.

The method set forth in this subchapter shall be supplemental to any other method authorized by law for construction, renovation, or expansion of ~~county or municipal~~ jails.

12-41-703. Adoption of ordinance.

Any county quorum court or governing body of a municipality or public instrumentality desiring to construct, renovate, or expand a ~~county jail and jail facilities~~ in the manner authorized in this subchapter, ~~and the governing body of any municipality desiring to construct or expand a municipal jail and jail facilities in the manner authorized in this subchapter,~~ may adopt an ordinance or resolution to establish a ~~county jail board or a municipal jail board~~, as the case may be, and to authorize the board to issue revenue bonds to construct, renovate, or expand the ~~county jail or jail facilities or the municipal jail or jail facilities~~ in the manner authorized in this subchapter.

12-41-704. Jail boards.

(a)(1) Any county, municipality, or public instrumentality electing to ~~issue county jail revenue~~ form a board for the purpose of issuing bonds under the provisions of this subchapter, ~~and any municipality electing to issue municipal jail revenue bonds under the provisions of this subchapter,~~ shall, by ordinance or resolution adopted by the county quorum court or by the governing body of the municipality or public instrumentality, establish a jail board consisting of such members, not less than three (3) nor more than seven (7) in number, as provided in the ordinance or resolution.

(2) After reasonable notice and an opportunity for a hearing concerning the alleged grounds for removal, any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty by the county quorum court or governing body of the municipality or public instrumentality that created the board.

(b) The county judge of the county shall serve as a member of ~~the county jail a board~~ created by the county, and the ~~mayor of the city~~ principal executive officer of the municipality or public instrumentality shall serve as a member of ~~the municipal jail a board~~ created by a municipality or public instrumentality, unless the county judge or principal executive officer is removed as provided in this subchapter.

(c) The ~~jail~~ board is authorized and empowered to:

(1) Construct a ~~county or municipal jail or jail facilities~~ or provide for the renovation or expansion of an existing county or municipal jail facilities on a site or sites selected by the board;

(2) Enter into contracts with the government of the United States, any state agency, state or governmental body or political subdivision, public or private corporation or other legal entity, or any individual, or a combination of any of these entities and individuals, to provide for the design, financing, construction, expansion, operation and maintenance of all or any portion of a jail, or for any combination of such services and functions.

~~(2)~~(3) Arrange for the housing of ~~prisoners~~ incarcerants during the period in which any such ~~facilities are~~ jail is undergoing construction, renovation, or expansion;

~~(3)~~(4) Construct or cause to be constructed parking facilities to serve the jail and the public having business therein;

~~(4)~~(5) Obtain the necessary funds for accomplishing its powers, purposes, and authority;

~~(5)~~(6) Purchase, lease, or rent and receive bequests or donations of or otherwise acquire, sell, trade, or barter any real, personal, or mixed property and convert into money or any property not needed or which cannot be used in its then current form;

~~(6)~~(7) Contract and be contracted with, apply for, receive, accept, and use any moneys and property from the Government of the United States, any state agency, any state or governmental body or political subdivision, any public or private corporation of any nature, or any individual;

(8) Enter into long or short term contracts with counties, municipalities, public instrumentalities, the State of Arkansas, agencies of the federal government, and other public or private entities under which the board shall provide nightly or other periodic housing of these entities' misdemeanant or other incarcerants for fee compensation or other consideration;

(9) Offer incarcerants the option in lieu of incarceration to participate in community service programs and all other forms of voluntary labor;

(10) To the extent allowed under applicable law, enter into contracts with third party governmental or private entities under which the board may receive compensation for supplying to those entities with the voluntary services and labor of incarcerants;

(11) Exercise the power of eminent domain to the same extent and in the same manner as counties, municipalities, municipal corporations, and public instrumentalities exercise the power under Arkansas Code Title 18, Chapter 15, and Title 14, Chapter 137;

(12) Enter into jail management contracts with third party governmental or private organizations upon terms and conditions that the board determines appropriate;

(13) Pledge to the repayment of debt any and all contract receivables and revenues of any kind that are payable to the board;

(14) Mortgage real property and grant a security interest in all personal, intangible, or other property, including all contract receivables and revenues of any kind that are payable to the board;

(15) Borrow funds that shall be available for board use with an obligation to repay;

~~(7)~~(16) Invest and reinvest any of its moneys and securities as authorized by law; and

~~(8)~~(17) Take such other action not inconsistent with law as may be necessary and desirable to carry out the power, purposes, and authority set forth in this subchapter and to carry out the intent of this subchapter.

12-41-705. Bonds - Authority to issue.

The ~~county jail board or the municipal jail board, as the case may be,~~ is authorized and empowered to issue bonds, at one (1) time or in series from time to time, and to use the proceeds thereof, together with any other funds, for financing the cost of construction, renovation, or expansion of the ~~county or municipal jail or jail facilities~~, together with all expenses incidental to and reasonably necessary in connection therewith, the expenses of the issuance of the bonds, the creating and maintenance of reserves to secure the payment of the bonds, if the board deems it necessary or desirable, and for providing for the payment of the interest on the bonds, if necessary or desirable, until sufficient funds are available therefor out of pledged revenues.

12-41-706. Bonds - Authorizing resolution.

(a) The bonds shall be authorized by resolution of the ~~county jail board or the municipal jail board~~.

(b) The authorizing resolution may contain any terms, covenants, and conditions that are deemed necessary or desirable by the board, including without limitation, those pertaining to the creation and maintenance of various funds and reserves, the nature and extent of the security, the issuance of additional series of bonds and the priority of lien and pledge in that event, and the rights, duties, and obligations of the board and of the holders and registered owners of the bonds, all as the board shall determine.

(c) The authorizing resolution may provide for the execution of a trust indenture with a bank or trust company located within or outside the State of Arkansas containing appropriate ~~the~~ terms, covenants, and conditions ~~authorized in this subchapter.~~

12-41-707. Bonds - Contract between parties - Enforcement.

(a) Together with this subchapter and the ordinance or resolution of the quorum court or the governing body of the municipality or public instrumentality acting pursuant to this subchapter, each authorizing resolution or trust indenture shall constitute a contract by and between the ~~county jail board or the municipal jail board~~ and the holders and registered owners of the bonds issued pursuant to this subchapter.

(b) The contract and all covenants, agreements, and obligations therein shall be properly performed in strict accordance with the terms and provisions thereof.

(c) The covenants, agreements, and obligations of the bonds may be enforced by mandamus or other appropriate proceedings at law or in equity.

12-41-708. Bonds - Terms and conditions.

(a) The bonds ~~may be coupon bonds, payable to the bearer, or may be registrable as to principal only, or may~~ shall be registrable as to both principal and interest; may contain such exchange provisions; may be in such form and denomination; may be payable on such date or dates; may be stated to mature at such time or times; may bear interest payable at such times and at such rate or rates; may be made payable at such places within and outside the State of Arkansas; may be made subject to such terms of redemption in advance of maturity at such times and at such prices; and may contain such other terms and conditions, all as the ~~county jail board or the municipal jail board~~ shall determine.

(b) The bonds shall have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to provisions as to registration or ownerships as set forth above.

(c) It shall be plainly stated on the face of each bond that it has been issued under the provisions of this subchapter and under the provisions of the ~~ordinance~~ resolution of the ~~quorum court or of the governing body of the municipality~~ board authorizing the issuance thereof.

12-41-709. Bonds - Sale - Disposition of proceeds.

(a) The bonds may be sold in such manner and at such prices, including sale at discount, as the ~~county jail board or the municipal jail board~~ may accept.

(b) The proceeds derived from the sale of revenue bonds by ~~a county or a municipality~~ the board under the provisions of this subchapter shall be deposited in a ~~county board jail fund or a municipal jail fund, as the case may be,~~ and shall be used ~~solely~~ for the purposes of constructing or expanding jails, and for all other expenses incidental to the issuance of the bonds of such city or county or municipality, as authorized in this subchapter.

12-41-710. Bonds - Coupons - Execution - Seal.

(a) Bonds issued pursuant to this subchapter shall ~~be executed by the chairman and secretary of the county jail board or the municipal jail board by manual or facsimile signature with at least one (1) manual signature~~ bear the manual or facsimile signature of the presiding officer of the board and the manual authenticating signature or the trustee or paying agent of the bonds, if the trustee or paying agent exists.

~~(b) The coupons attached to the bonds shall be executed by the facsimile signature of the chairman of the board.~~

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

~~(d)(c)~~ Each bond shall be sealed with the seal of the board.

12-41-711. Bonds - Liability on.

(a) Bonds issued pursuant to this subchapter shall be obligations only of the issuing ~~county jail board or the municipal jail board.~~ In no event shall they constitute any indebtedness for which the faith and credit of the county or the municipality or the public instrumentality that created the board ~~issuing the bonds,~~ or any of their respective revenues, or of the State of Arkansas or any of its revenues, as used in Arkansas Constitution, Amendment 20, are pledged, except that the fines and penalties described under this subchapter may be pledged.

(b) The bonds shall not be secured by a mortgage or lien on any land, buildings, or property belonging to the county, municipality, or public instrumentality that created the board, but may be secured by the real and personal property owned by the board, and all other revenues of whatever nature that are received by the board or otherwise generated as a result of the board's activities ~~or city issuing such bonds.~~

(c) No member of the board shall be personally liable on the bonds or for any damages sustained by anyone in connection with any contracts entered into or action taken in carrying out the powers, purposes, or authority of this subchapter, or of the ordinance or resolution adopted by the quorum court or governing body of the municipality or public instrumentality, unless he shall have acted with a corrupt intent.

12-41-712. Bonds - Pledge of revenues - Funds.

(a)(1) The principal, premiums, if any, interest on, and trustees' and paying agents' fees in connection with all bonds issued under this subchapter shall be secured by a lien on and pledge of the fee revenues and the gross revenues derived from revenues collected from fines or penalties for convictions of the offenses as defined in this subchapter, all real property and personal property owned by the board and all other collateral identified in that trust indenture pursuant to which the bond are issued.

(2) The pledged revenues and such principal and interest are specifically declared to be cash funds, restricted in their use and dedication and to be used solely as provided in this subchapter.

(3) Bonds may additionally be secured and collateralized by:

(A) The board's pledge of contract revenue receivables realized through the execution of contracts with third parties for incarcerant housing;

(B) Income received from supplying third parties with incarcerant services and labor; and

(C) All other revenues and income that the board may realize through its operations that are otherwise expressly pledged and identified in the bonds' trust indenture or authorizing resolution.

(b) There is created a fund designated ~~county~~ jail revenue bond fund, with respect to ~~county~~ bonds issued under this subchapter ~~and a fund designated municipal jail revenue bond fund, with respect to municipal bonds issued under this subchapter,~~ to be maintained at such depository ~~and~~ as shall be specified by the ~~appropriate county jail or municipal jail board.~~

(c) The fund shall be a trust fund, and after the issuance of any bonds pursuant to this subchapter, the moneys therein shall be applied ~~solely~~ for the payment of the principal of, premiums, if any, and interest on the bonds, trustees', ~~and~~ paying agents', and any other fees in connection with the bonds at maturity and at redemption prior to maturity, except moneys that are withdrawn therefrom pursuant to § 12-41-709(b), all as shall be specified and subject to the terms and conditions set forth in the authorizing resolution or trust indenture.

(d) The pledged revenues shall not be deposited into the county treasury, ~~or the city~~ municipal treasury, or public instrumentality treasury but, as and when received, shall be deposited into the appropriate jail revenue bond fund.

(e) The principal, premiums, if any, and interest on the bonds, and trustees', ~~and paying agents', and any other~~ fees in connection with the bonds ~~shall be payable solely~~ may be paid from the moneys in the jail revenue bond fund and the moneys required by this subchapter to be deposited in the jail revenue bond fund.

(f) The board is directed to insert appropriate provisions in the authorizing resolution or trust indenture for the investment and reinvestment of moneys in the jail revenue bond fund in securities selected by the board, and all income derived from such investment shall be and become part of the jail revenue bond fund.

12-41-713. Bonds - Tax exemption.

Bonds and other evidences of indebtedness issued under the provisions of this subchapter and the interest thereon shall be exempt from all state, county, and municipal taxes, and this exemption shall include income, inheritance, and state taxes.

12-41-714. Bonds - Investments by public entities.

Any municipality or any board, commission, or the governing authority established by ordinance of any municipality, or the governing authorities, respectively, of the firemen's relief and pension fund and the policemen's pension and relief fund of any such municipality or the governing authority of any retirement system created by the General Assembly of the State of Arkansas or any agency may, in its discretion, invest any of its funds not immediately needed for its purposes in bonds and other evidences of indebtedness issued under the provisions of this subchapter. Any bonds issued under the provisions of this subchapter shall be eligible to secure the deposit of public funds.

12-41-715. Fees, costs, etc. - Disposition.

(a) Any county, municipality, or public instrumentality adopting an ordinance or resolution providing for the establishment of a ~~county jail~~ board, ~~and any municipality adopting an ordinance providing for the establishment of a municipal jail board,~~ and authorizing the board to issue ~~county jail revenue~~ bonds ~~or municipal jail revenue bonds,~~ as the case may be, as authorized in this subchapter, may provide that all revenues derived by the county, ~~or city~~ municipality, or public instrumentality from all fines or penalties as defined in this subchapter shall be remitted to and deposited by the county treasurer, ~~or by the city~~ municipal treasurer, or public instrumentality treasurer in one (1) or more banks doing business in the county, ~~or the city~~ municipality, or county or municipality in which the public instrumentality is primarily located, to the credit of a ~~county jail revenue~~ bond fund ~~with respect to~~

~~county jail revenue bonds, or to a municipal jail revenue bond fund with respect to municipal jail revenue bonds,~~ to be used solely for the purposes as provided in this subchapter.

(b) Any person charged with a felony or misdemeanor for which a fine or penalty, as defined in this subchapter, is imposed, who shall post bond and forfeit it upon failure to appear on the date set for trial, the entire amount, or any identified portion of the ~~of~~ bond forfeiture shall be deposited in the ~~county~~ jail revenue bond fund ~~or the municipal jail revenue bond fund, as the case may be,~~ as provided in this subchapter.

(c) All revenues derived from the fines collected under the provisions of this subchapter are determined to be "fee revenues" and are declared to be cash funds. The revenues shall not be deposited in the county treasury, ~~or the municipal treasury,~~ or public instrumentality treasury, but shall be deposited in the bank or banks selected by the respective boards.

(d) The fee revenues as provided in this section shall be collected and applied as provided in this subchapter until the principal, premiums, if any, and interest on bonds issued under this subchapter, with trustees' and paying agents' fees, shall be paid or adequate provision made for their payment.

12-41-716. Use of county jail fund for supervision and transportation of inmates.

In addition to any other purposes for which funds in the ~~county~~ board jail fund may be used, such funds may be used for the transportation and supervision of inmates assigned to outside work projects or for transporting inmates to a Department of Correction facility, as determined by the ~~quorum court~~ board."

AND

Page 1, delete Section 2. of the bill and substitute a new Section 2. to read as follows:

"SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 7 is amended to add additional sections to read as follows:

12-41-717. Contract with governmental entities - Authority to create boards.

(a) All counties, municipalities, public instrumentalities, and other governmental entities of this state are authorized and empowered, upon ordinance or resolution of the governing body, to enter into long or short term contracts with the boards under which the board provides nightly or other periodic housing of these entities' misdemeanant or other incarcerants for fee compensation or other consideration.

(b)(1) All counties, municipalities, and public instrumentalities are authorized and empowered to adopt ordinances or resolutions that provide for the creation of boards under this subchapter.

(2) The boards shall constitute and comprise a political subdivision of the county or municipality that creates the board, or in the case of a public instrumentality board, a political subdivision of the county or municipality that created the public instrumentality that creates the board.

12-41-718. Sole and exclusive law.

Except as provided under § 12-41-702, the provisions of this subchapter are intended to solely and exclusively govern the manner in which boards are organized, operated, managed, and administered and no other laws of this state are applicable to the boards.”

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Elliott, HOUSE BILL NO. 1139 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1139

Amend HOUSE BILL NO. 1139 as engrossed, H3/6/03:

Page 2, lines 7 and 8, delete "wages, benefits and other"

AND

Page 3, delete line 21 and substitute "Arkansas except"

AND

Page 4, line 21, delete "initial the employees" and substitute "initial employees"

AND

Page 5, delete lines 27 and 28 and substitute the following:

"(b) It shall be unlawful for any employee or any employee organization to induce, instigate, authorize, ratify, or participate in a strike against the employer or to otherwise participate in any work stoppage or interruption."

AND

Page 9, lines 25 and 26, delete "shift differentials."

/s/ J. Elliott

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative J. Johnson, HOUSE BILL NO. 1232 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1232

Amend HOUSE BILL NO. 1232 as originally introduced:

Add Representatives Penix, Thomas, Chesterfield, Dangeau, Fite, Seawel, Green, C. Johnson, White, Dickinson, Mahony, Wood, Pickett, Weaver, Jacobs, Elliott, Hardwick as cosponsors of the bill

/s/ Janet Johnson

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. 2730** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2730**

Amend **HOUSE BILL NO. 2730** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-51-602(2), regarding definitions used in the law pertaining to private career schools, is amended to read as follows:

(2)(A) "School" means any person, firm, partnership, association, corporation, or other form of business organization seeking to do business or offering in the State of Arkansas such resident or correspondence training that leads to or enhances occupational qualifications, whether or not the institution is subject to the jurisdiction of the State Board of Higher Education under § 6-61-301 State Board of Higher Education;

(B) "School" shall also mean any firm, partnership, association, corporation, or other form of business organization which offers instruction in flight or ground school to student fliers or mechanics;

(C) "School" shall also mean any firm, partnership, association, corporation, or other form of business organization which offers training as preparation for passing exams which may lead to employment;

(D) "School" shall also mean any firm, partnership, association, corporation, or other form of business organization which offers driver education training excluding those courses taught motor vehicle violators pursuant to court order;

SECTION 2. Arkansas Code § 6-51-602(8) through (10), regarding definitions used in the law pertaining to private career schools, are amended to read as follows:

(8) "~~Correspondence~~ Distance Education school" means any school in which all programs of study are conducted by ~~correspondence~~ distance education;

(9) "Combination school" means any school in which programs of study are conducted by both ~~correspondence~~ distance education and resident training;

(10) "Extension course site" means a location away from the school whereby a ~~specialized~~ course or courses are conducted one (1) or more times during the licensure period;

SECTION 3. Arkansas Code § 6-51-603(12), regarding exemptions from the law pertaining to private career schools, is amended to read as follows:

(12)(A) Training offered on military bases where a majority of the students enrolled are active or retired military personnel or their dependents, duty personnel or their adult family members, Department of Defense civilian employees or their adult family members, members of the U. S. Armed Forces Reserve Components, and retirees.

(B) These organizations shall remain exempt from the requirement for licensure if required to move off of the military installation for a period of not more than ninety (90) days because of a change in security level, which would not allow civilian students on the installation.

(C) The board shall have the authority to review any situations that extend past the ninety-day period and determine if the exemption status should remain for the school.

SECTION 4. Arkansas Code § 6-51-605(i) and (j) are amended to read as follows:

(i) ~~A minimum of four (4)~~ majority of favorable votes by the board members at an official meeting is required for adoption of a recommendation.

(j) Board members may be reimbursed for expenses in accordance with § 25-16-901 ~~et seq.~~ and stipends according to § 25-16-903.

SECTION 5. Arkansas Code § 6-51-605(m) is amended to read as follows:

(m)(1)(A) The board shall annually require background investigations for all partners or shareholders with ten percent (10%) or more ownership interest in a school when the school seeks an original license.

(B) The board may establish a schedule for periodic background checks for partners or shareholders with ten percent (10%) or more ownership interest in a school when seeking renewal of a school license.

~~(2)(A) The Department of Arkansas State Police shall be authorized to conduct background investigations for applicants that have executed the appropriate release, and the background shall consist of whether the applicant has been convicted in any jurisdiction of a felony, a Class A misdemeanor, or a crime involving an act of violence. The partners or shareholders shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.~~

~~(B) The department shall be authorized to disseminate said background information to the board. The check shall conform to the applicable federal standards and shall include the taking of fingerprints.~~

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

(D) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the person in the commission of any offense listed in § 6-51-606(h)(3) to the board.

(E)(i) The board may issue a nonrenewable temporary license pending the results of the criminal background check.

(ii) The license shall be valid for no more than six (6) months.

(iii) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that only one (1) of the partners or shareholders of the school holding the temporary license has been convicted of any offense listed in § 6-51-606(h)(3) shall be reviewed by the board.

SECTION 6. Arkansas Code § 6-51-605 is amended by adding an additional subsection to read as follows:

(n)(1) The provisions of § 6-51-606(h) may be waived by the board upon the request of:

(A) An affected applicant for licensure; or

(B) The partners or shareholders of a school holding a license subject to revocation.

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

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

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat.

SECTION 7. Arkansas Code § 6-51-606(h)(3) is amended to read as follows:

(3) The applicant or licensee has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime constituting a felony by a judge or jury in any state or federal court; or in a criminal proceeding, regardless of whether or not the adjudication of guilt or sentence is withheld, by a court of this state, another state, or the federal government for:

(A) Any felony, or

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

SECTION 8. Arkansas Code § 6-51-606(i) through (l) are amended to read as follows:

(i) The board shall have the authority to impose sanctions pursuant to § 25-15-217.

~~(j)~~(j) The board shall have the power to revoke a license if in its discretion it determines that:

(1) The licensee has failed to cure a deficiency leading to a license probation within the time as may be reasonably prescribed by the board; or

(2) The licensee while on probation has been found by the board to have incurred an additional infraction of this subchapter; or

(3) The licensee has closed a school without first having completed the training of all students currently enrolled or having made tuition refunds to students or their lenders.

~~(k)~~(k)(1) Unless directed to do so by court order, the board shall not, for a period of five (5) years following revocation, reinstate the license of a school or allow an owner of any such school to seek licensure of another school.

(2) Upon expiration of licensure status, the school must apply for an original license in accordance with the provisions of this subchapter.

~~(l)~~(l)(1) Upon closure of a school located in Arkansas and licensed under any provision of this subchapter, whether for license revocation or any other cause, all student ~~academic and~~ financial aid records for the previous ~~ten (10)~~ three (3) years ~~of the school's operation~~ and all student transcripts regardless of age must be delivered to the director.

(2) Delivered records shall be arranged in alphabetical order and stored in boxes or in data format at the discretion of the board.

(3) The director shall be responsible for the proper security, storage, and maintenance of all such records.

~~(l) No school shall incorporate the name "university" unless it is seeking to offer both undergraduate and graduate programs through the institutional and program certification of the Department of Higher Education.~~

SECTION 9. Arkansas Code § 6-51-607(a) is amended to read as follows:

(a)(1) Each school licensed under this subchapter shall pay annually a fee to be set by the board.

(2) The fee shall be set at such amount as the board deems necessary to establish the fund and to maintain the fund as necessary.

(3) For a renewing school, The the fee shall be based on the enrollment of Arkansas residents in the preceding twelve (12) months of July 1 through June 30 and be set at such amount as the board deems necessary to establish the fund and to reestablish the fund as necessary.

(4)(A) For an original license, the fee shall be a percentage as determined by the board of the sum of the tuitions for each program offered.

(B) Additionally, during the first twelve (12) months of licensure, the same percentage shall be paid to the Private Career School Student Protection Trust Fund on additional new programs of study.

SECTION 10. Arkansas Code § 6-51-607(e) is amended to read as follows:

(e) With the approval of the board, the director may use any amounts in the fund, including accumulated interest, to:

(1) Pay claims filed by students not to exceed a total of one hundred thousand dollars (\$100,000) for all students of the school when a school becomes insolvent or ceases to operate without offering a complete program of study;

(2) Pay expenses incurred by a school not to exceed a total of one hundred thousand dollars (\$100,000) that are directly related to educating a student placed in the school under this subchapter, including the applicable tuition for the period of time for which the student has paid tuition;

(3) Reimburse the Private Career Education Fund for expenses directly associated with the storage and maintenance of academic and financial aid records of those students adversely affected by school closings;

(4)(A) Reimburse the Private Career Education Fund for administrative cost due to school closings, including but not limited to:

(i) Travel expenses; and

(ii) The employment of temporary personnel to assist with transport and organization of student records.

(B) Provided further, that reimbursement for the expenses incurred in subdivision (e)(4)(A) of this section shall not exceed five thousand dollars (\$5,000) per school closing.

SECTION 11. Arkansas Code § 6-51-609(a)(1) is amended to read as follows:

(a)(1) No person representing a resident, ~~correspondence~~ distance education, or combination school shall solicit or sell in Arkansas any program of study for consideration or remuneration unless the admissions representative first secures a license from the director.

SECTION 12. Arkansas Code § 6-51-609(e) is amended to read as follows:

~~(e)(1) The Department of Arkansas State Police shall be authorized to conduct background investigations for applicants that have executed the appropriate release, a said background investigation shall consist of whether the applicant has been convicted in any jurisdiction of a felony, a Class A misdemeanor, or a crime involving an act of violence. An applicant for an admissions representative's license shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.~~

~~(2) The Department of Arkansas State Police shall be authorized to disseminate said background information to the State Board of Private Career Education. The check shall conform to the applicable federal standards and shall include the taking of fingerprints.~~

~~(3) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.~~

~~(4) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward all information obtained concerning the person in the commission of any felony, Class A misdemeanor, or a crime involving an act of violence for which a pardon has not been granted.~~

SECTION 13. Arkansas Code § 6-51-609 is amended by adding additional subsections to read as follows:

(f)(1)(A) The board may issue a nonrenewable temporary license pending the results of the criminal background check.

(B) The temporary license shall be valid for no more than six (6) months.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding the temporary license has been convicted of a felony, Class A misdemeanor, or a crime involving an act of violence for which a pardon has not been granted, the board shall immediately revoke the temporary license.

(g)(1) The provisions of subsection (d)(3) of this section may be waived by the board upon the request of:

(A) An affected applicant for licensure; or

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

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

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

SECTION 14. Arkansas Code § 6-51-616(g) is repealed.

~~(g)(1) The aggrieved party may appeal the decision of the arbitration panel to the Pulaski County Circuit Court for review.~~

~~(2) Notice of appeal must be filed within fifteen (15) days of the decision of the arbitration panel with the Clerk of the Pulaski County Circuit Court.~~

SECTION 15. Arkansas Code § 6-51-617(c) is amended to read as follows:

(c) In resolving disputes, the arbitration panel shall:

~~(1) Conduct the arbitration proceeding within fifteen (15) days after the request, unless both of the parties agree to an extension of time;~~

~~(2)(1) Be exempt from judicial redress for failure to exercise skill or care in the performance of its duties;~~

(2) Be conducted pursuant to the Uniform Arbitration Act § 16-108-201 et seq.

~~(3) Hear and receive evidence and examine witnesses at the arbitration proceeding before rendering a decision. In conducting the arbitration proceeding, the panel shall not be limited by the rules of evidence in receiving testimony relevant to the dispute;~~

~~(4) Have the power to issue subpoenas for evidence and witnesses in order to resolve the dispute before the panel; and~~

~~(5) Render a binding decision upon the parties by a vote of not less than a simple majority.~~

SECTION 16. Arkansas Code § 6-51-618(c)(2) is amended to read as follows:

(2) No penalty imposed by the board may exceed ~~one thousand dollars (\$1,000)~~ five hundred dollars (\$500) per violation.

SECTION 17. Arkansas Code § 6-51-620(a)(1) is amended to read as follows:

(a)(1) Each school licensed under this subchapter shall ~~annually submit~~ maintain a surety bond during its licensure.

SECTION 18. Arkansas Code § 6-51-620(a)(6) is amended to read as follows:

(6) The board shall determine the sum of each surety bond based upon the following guidelines:

(A) Except as provided in subdivisions (a)(6)(B) and (C) of this section, a school shall procure and maintain a bond equal to ten percent (10%) of the gross tuition, with a minimum bond amount of five thousand dollars (\$5,000) ~~and~~ a with the maximum bond amount of ~~seventy-five thousand dollars (\$75,000)~~ to be determined by the board.

(B) Schools that have no gross tuition charges assessed for the previous year shall secure and maintain a surety bond in the amount of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000).

(C) Schools that have a total cost per program of three thousand dollars (\$3,000) or less shall not be required to have a bond.

SECTION 19. Arkansas Code § 6-51-620(b) and (c) are amended to read as follows:

(b) A surety bond is not required for licensees ~~currently~~ approved by the State Board of Private Career Education on April 10, 1995 and that maintain continuous licensure.

(c) ~~Any student of a school in violation of subdivision (a)(4) of this section may bring an action in the circuit court of the proper county to execute against the bond.~~ No right of action shall accrue on the surety bond to or for the use of any person or entity other than the obligee named in the bond or the heirs, executors, administrators, or successors of the obligee."

/s/ Sarah Agee

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 2385** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2385**

Amend **HOUSE BILL NO. 2385** as originally introduced:

Page 2, delete line 6 and substitute:

“(H) Sexual assault in the first degree, § 5-14-124;”

AND

Page 2, delete line 7 and substitute:

“(I) Sexual indecency with a child, § 5-14-110;”

AND

Page 2, delete lines 34 through 36

AND

Page 3, delete lines 1 and 2

/s/ Jim Medley

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. 2489** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2489**

Amend **HOUSE BILL NO. 2489** as originally introduced:

Page 1, delete the title and substitute the following

“AN ACT TO ENSURE THE LICENSING AND REGISTRATION OF RADIOACTIVE MATERIALS AND DEVICES CONTAINING RADIOACTIVE MATERIAL IN ARKANSAS; TO OFF-SET COSTS TO THE DEPARTMENT OF HEALTH; TO AMEND ARKANSAS CODE § 20-21-213; TO AMEND ARKANSAS CODE § 20-21-213; TO AMEND ARKANSAS CODE § 20-21-217; TO AMEND ARKANSAS CODE § 20-21-217; TO AMEND ARKANSAS CODE § 20-21-217; AND FOR OTHER PURPOSES.”

AND

Page 1, delete the subtitle and substitute the following:

“TO ENSURE THE LICENSING AND REGISTRATION OF RADIOACTIVE MATERIALS AND DEVICES CONTAINING RADIOACTIVE MATERIAL IN ARKANSAS.”

AND

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 20-21-213(a), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(a) The agency shall provide by rule or regulation for general or specific licensing of accelerator-produced material, by-product material, source material, special nuclear material, or devices or equipment utilizing such material.

SECTION 2. Arkansas Code § 20-21-213(c)(8), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(8) Licenses issued by the agency:

(A) Shall be nontransferable;

(B) Shall be renewed every five (5) ~~years~~ to ten (10) years based on risk factors as determined by the agency; and

(C) Shall expire ~~five (5) years after issuance~~ or at a time specified by the agency; and

SECTION 3. Arkansas Code § 20-21-213(c)(9), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(9) Registrations issued:

(A) Shall be nontransferable;

(B) Shall be renewed ~~annually~~ at a time specified by the Agency; and

(C) Shall expire one (1) year after issuance or at a time specified by the agency.

SECTION 4. Arkansas Code § 20-21-217(a), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(a) In licensing and regulation of radioactive material as defined in § ~~20-21-203(19)~~ 20-21-217 or of any activity which results in the production of radioactive materials as so defined, the agency shall require compliance with applicable standards promulgated by the agency which are equivalent to or more stringent than standards adopted and enforced by the United States Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the United States Environmental Protection Agency.

SECTION 5. Arkansas Code § 20-21-217(b), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(b) The agency is hereby authorized to charge and collect the following annual fees associated with licensing and registration of sources of ionizing radiation:

(1) Hospitals or medical centers:

- (A) Category I-A ..... \$900.00
- (B) Category I-B ..... 700.00
- (C) Category II-A ..... 650.00
- (D) Category II-B ..... 450.00
- (E) Category III ..... 200.00

(2) X ray registrations:

- (A) Physicians' units \$60.00 per tube up to a \$180.00 maximum
- (B) Dental radiographic units 50.00 per tube up to a 150.00 maximum
- (C) Chiropractors' units 60.00 per tube up to a 180.00 maximum
- (D) Veterinarians' units 50.00 per tube up to a 150.00 maximum
- (E) Podiatrists' units 50.00 per tube up to a 150.00 maximum
- (F) Colleges' and universities' units 50.00 per tube up to a 200.00 maximum
- (G) Industrial units 80.00 per tube up to a 240.00 maximum
- (H) Others 50.00 per tube up to a 150.00 maximum

(3) Radioactive material licenses:

- (A) Private practice, other than teletherapy units or particle accelerators ..... \$100.00
- (B) Radiography:
  - (i) In plant ..... 350.00 for first bay  
 ..... 500.00 for two (2) or more bays
  - (ii) Field ..... 1,000.00
- (C) Wireline service operation ..300.00 for 1 to 3 sources  
 ..... 500.00 for 4 or more sources
- (D) Academic:
  - (i) Broad ..... 500.00
  - (ii) Other ..... 200.00
- (E) Gas chromatograph devices and ~~Ce-57~~ lead analyzers  
 ..... 100.00
- (F) Nuclear gauges ..... 300.00 for 1 to 5 gauges  
 ..... 500.00 for 6 or more gauges

- (G) Particle accelerators, nonmedical ..... 200.00
- (H) In vitro laboratory testing ..... 25.00
- (I) Irradiators ..... 1,000.00
- (J) Nuclear pharmacy ..... 1,000.00
- (K) Mobile nuclear medicine service ..... 1,200.00
- (L) Consultants ..... 250.00

(4) General licensed devices - Initial registration and annual fees for the receipt, possession, or use of radioactive material under a general license, as defined by the agency, shall be as follows:

- (A) Certain measuring, gauging, and controlling devices  
.....\$300.00
- (B) Generally licensed gas chromatographs  
.....200.00
- (C) Static elimination devices.....100.00
- (D) Source material devices .....500.00
- (E) Devices containing depleted uranium .....500.00
- (F) Barium devices ..... 50.00
- (G) All other general license registrations other than those specified above..... 150.00

~~(4)~~ (5) Other:

- (A) Medical, Therapy, nonhospital unit  
..... 250.00 for first unit  
..... 175.00 for each additional unit
- (B) Particle Accelerator medical, nonhospital unit  
..... 450.00 for first unit  
..... 300.00 for each additional unit
- (C) "Arkansas State Board of Health Rules and Regulations for Control of Sources of Ionizing Radiation" ..... 0.00 for first copy  
..... 30.00 for each additional copy
- (D) Naturally Occurring Radioactive Material License  
..... 2,500.00
- (E) Amendment to existing license ~~0.00 for first amendment~~  
.....50.00 per amendment  
Additional amendments ..... 50.00 per year
- ~~(F) Sealed Source and Device Evaluations ..... 2,500.00~~

~~(5)~~ (6) Reciprocity:

- (A) Naturally Occurring Radioactive Material .....2,500.00
- (B) Radiography, Field ..... 1,000.00
- (C) Wireline ..... 500.00
- (D) Nuclear Gauge ..... 500.00
- (E) Consultant ..... 100.00

~~(6)~~ (7) Late Fees: A late fee equal to ten percent (10%) of the applicable fee shall be charged for fees not received within sixty (60) days of the invoiced due date and for every sixty (60) days thereafter.

SECTION 6. Arkansas Code § 20-21-217(e), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(e) No annual fees shall be required for those applicants, licensees, registrants, or other applicable persons whose use of sources of radiation is certified as financed solely by the General Revenue Fund of the State of Arkansas.”

/s/ Marvin Childers

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. 2816** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2816**

Amend **HOUSE BILL NO. 2816** as originally introduced:

Page 1, line 30, delete "The" and substitute "(a) The"

AND

Page 2, delete line 1, and substitute the following

"1, 2003.

(b) This state policy shall include:

(1)(A) A definition of tourist-oriented business, service, and activity facilities, including definitions for both publicly-owned and privately-owned facilities.

(B) Any facilities that would qualify under the Federal Manual on Uniform Traffic Control Devices shall not be excluded from the definition.

(2) Eligibility criteria for signs for facilities;

(3) A provision for incorporating specific service signs into the tourist-oriented directional signs as required;

(4) A provision for covering signs during off seasons for facilities operated on a seasonal basis;

(5) A provision for signs to facilities that are not located on the crossroad when the facility is eligible for signs;

(6) A definition of the immediate area that includes the concept that the major portion of income or visitors to the facility should come from road users not residing in the immediate area of the facility;

(7) The maximum distances to eligible facilities that are no more than five (5) miles;

(8) A provision for information centers or plazas when the number of eligible sign applicants exceeds the maximum permissible number of sign panel installations;

(9) A provision for limiting the number of signs when there are more applicants than the maximum number of signs permitted;

(10) Criteria for use at intersections on expressways;

(11) A provision for controlling or excluding businesses that have illegal signs as defined under the federal Highway Beautification Act of 1965, 23 U.S.C. § 131;

(12) A provision for the Arkansas Highway and Transportation Department, as well as counties, and municipalities that choose to participate in constructing and erecting tourist-oriented directional signs, to charge reasonable fees to cover the cost of signs through a permit system where the fee shall not exceed the actual cost of constructing and erecting the sign;

(13) A definition of the conditions under which the time of operation is shown; and

(14) A provision for determining if advance signs are to be permitted and the circumstances under which the advance signs are installed.”

AND

Page 2, delete line 22, and substitute the following:

“directional signs.

SECTION 3. (a) The Arkansas Highway and Transportation Department shall expand the utilization of specific service signs, also known as logo signs, by allowing the placement of signs identifying “gas”, “food”, “lodging”, “camping”, and “attractions”.

(b)(1) The specific service signs identifying attraction services shall include only facilities that have the primary purpose of providing amusement, historical, cultural, or leisure activities to the public.

(2) Both publicly-owned and privately-owned facilities shall be eligible for specific service signs.

(c) However, all specific service signs shall comply with the Federal Manual on Uniform Traffic Control Devices, described in 23 U.S.C. 109(d) and 402(a) and in the Code of Federal Regulations, specifically 23 CFR 655, Subpart F, as were in effect on January 1, 2003.

SECTION 4. If both a tourist-oriented directional sign and specific service sign are needed at the same intersection, the tourist-oriented directional signs shall incorporate the needed information from, and shall be used in place of, the specific service sign.

SECTION 5. (a)(1) The Arkansas Highway and Transportation Department shall develop and implement a state policy allowing the placement of recreational and cultural interest area signs.

(2) The policy shall provide for directional information for recreational and cultural interest facilities that shall include, but not be limited to parks, campgrounds, museums, art galleries, and historical buildings or sites.

(b) Both publicly-owned and privately-owned facilities are eligible for recreational and cultural interest area signs.

(c) However, all recreational and cultural interest area signs shall comply with the Federal Manual on Uniform Traffic Control Devices, described in 23 U.S.C. 109(d) and 402(a) and in the Code of Federal Regulations, specifically 23 CFR 655, Subpart F, as were in effect on January 1, 2003.

SECTION 6. (a) The Arkansas Highway and Transportation Department shall commence the process of developing the state policies required by this act and necessary for compliance with the Federal Manual on Uniform Traffic Control Devices and other laws, regulations, and procedures of the Federal Highway Administration as soon as possible.

(b) However, a final state policy shall be in place no later than September 1, 2003, in order that applications for specific service signs, tourist-oriented directional signs, and recreational and cultural interest area signs may be received from eligible attractions and facilities.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the existing signage on Arkansas roads is inadequate to properly identify some tourist activities and some facilities of recreational and cultural interest; that these tourist activities and cultural and recreational facilities must remain competitive in today's global economy; that other states more fully take advantage of the opportunities to utilize road signs to promote tourist activities and cultural and recreational facilities; that these signs are necessary to offer these activities and facilities for a business environment compatible with other states; that without these signs valuable tourism revenue would be lost, depriving state and local government of tax revenue and Arkansans of jobs and the economic benefit that the jobs bring to the state; that unemployment and revenue shortages for state and local government have reached intolerable levels, and that it is essential that the benefits to the citizens of this state provided for in this act be enacted as soon as practicable. 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/ Johnnie Bolin

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

/s/ Ms. Jo Renshaw  
 Chief Clerk

Upon motion of Representative Harris, **HOUSE BILL NO. 1755** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1755**

Amend **HOUSE BILL NO. 1755** as originally introduced:

Page 1, line 32, delete “with more than one”

AND

Page 1, line 33, delete “(1) location”

/s/ E. Harris

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

/s/ Ms. Jo Renshaw  
 Chief Clerk

Upon motion of Representative Sullivan, **HOUSE BILL NO. 2727** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2727**

Amend **HOUSE BILL NO. 2727** as originally introduced:

Page 1, delete lines 32 through 36, and Page 2, delete lines 1 through 14, and substitute the following:

“27-15-3902. Design - Numbered plates.

(a) The special Arkansas Cattlemen’s Foundation license plates shall be designed by the Arkansas Cattlemen’s Foundation.

(2) The design shall be submitted for design approval by the Director of the Department of Finance and Administration under rules and regulations of the director.

(b) The department shall cause to be prepared one hundred fifty (150) motor vehicle license plates upon:

(1) Approval of the design by the Department of Finance and Administration; and

(2) Deposit with the department fifteen hundred dollars (\$1,500) by the Arkansas Cattlemen’s Foundation, to cover the special license plate fee of ten dollars (\$10.00) for each of the first one hundred fifty (150) Arkansas Cattlemen’s Foundation license plates.”

AND

Page 2, delete line 34, and substitute the following:

“Vehicle and payment of the appropriate fees prescribed by law.

27-15-3904. Personalized numbered plates.

(a) A motor vehicle owner applying for a special Arkansas Cattlemen’s Foundation motor vehicle license plate under this subchapter, and who is authorized or certified by the Arkansas Cattlemen’s Foundation as eligible to receive a plate, but is not certified for one (1) of the first one hundred fifty (150) numbered plates may:

(1) Request a special Arkansas Cattlemen’s Foundation license plate number assigned by the Department of Finance and Administration as authorized under this subchapter; or

(2) Apply for a special personalized Arkansas Cattlemen’s Foundation prestige license plate under §§ 27-14-1101 and 27-14-1102.

(b) The use of letters and numbers on a personalized prestige license plate, however, are limited by the rules and regulations of the director.

27-15-3905. Application and fee.

(a)(1) Any motor vehicle owner may apply annually to the Arkansas Cattlemen's Foundation for use of the Arkansas Cattlemen's Foundation design on a license plate.

(2) Upon annual application and payment to the Arkansas Cattlemen's Foundation of a design use contribution of twenty-five dollars (\$25.00), the Arkansas Cattlemen's Foundation shall issue to the vehicle owner a design use authorization statement, which shall be presented by the vehicle owner to the department at the time of registration of a vehicle.

(b) The department shall issue to the vehicle owner a special Arkansas Cattlemen's Foundation license plates that bears the approved design upon:

(1) Presentation of the annual design use authorization statement;

(2) Payment of the fee required by law for registration of the vehicle;

and

(3) Payment of an additional handling and administrative fee of ten dollars (\$10.00) for the special Arkansas Cattlemen's Foundation license plate.

(c)(1) The handling and administrative fee of ten dollars (\$10.00) shall be deposited to the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration, and shall be credited to the division as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(2) The handling and administrative fee shall not be considered or credited to the division as direct revenues.

27-15-3906. Renewal.

(a)(1) Special Arkansas Cattlemen's Foundation license plates issued under this subchapter may be renewed annually under the procedures set out in § 27-15-3905 either in person or by mail or by facsimile under §§ 27-14-1012 and 27-14-1013.

(2) Registration may continue from year to year as long as the license is renewed each year within the time and manner required by law.

(3) The design use contribution shall continue to be paid to the Arkansas Cattlemen's Foundation separately from the payment due the Department of Finance and Administration.

(b)(1) A motor vehicle owner who was previously issued a plate with the Arkansas Cattlemen's Foundation design, and who does not provide a design use authorization statement at the subsequent time of registration, shall be issued a new plate which does not bear the Arkansas Cattlemen's Foundation design.

(2) Upon expiration, the special Arkansas Cattlemen’s Foundation license plate may be replaced with a conventional license plate, a personalized license plate, or a new special Arkansas Cattlemen’s Foundation license plate.

27-15-3907. Transfer to another vehicle.

Special Arkansas Cattlemen’s Foundation license plates issued under this subchapter may be transferred from one (1) vehicle to another under § 27-14-914.

27-15-3908. Remedy for erroneous issue.

The Arkansas Cattlemen’s Foundation shall have no recourse against the Department of Finance and Administration if any special Arkansas Cattlemen’s Foundation license plate is erroneously issued or renewed without payment of the design use authorization statement.”

AND

Page 2, line 36, delete “27-15-3904” and substitute “27-15-3909”

AND

Page 3, line 1, delete “(a)”

/s/ Scott Sullivan

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. 4 TO HOUSE BILL NO. 1728**

Amend **HOUSE BILL NO. 1728** as originally introduced:

Page 1, line 9 delete "COUNTIES AND"

AND

Page 1, line 17 delete "COUNTIES AND"

AND

Page 2, line 3 delete "counties and"

AND

Page 3, line 6, delete "to:" and substitute the following:

"to cities of first class with a population exceeding forty-three (43,000) thousand based on the most recent Federal decennial census that have not approved the sale of intoxicating liquors as of the effective date of this subchapter."

AND

Page 3, delete lines 7 through 16

AND

Page 3, delete lines 26 through 28

AND

Page 3, line 29, delete "(c)" and substitute "(b)"

AND

Page 3, line 32, delete "or county"

AND

Page 3, line 34, delete "(d)" and substitute "(c)"

AND

Page 4, line 1, delete "or county"

AND

Page 4, line 6, delete "county or"

AND

Page 4, line 7, delete "county or"

AND

Page 4, line 12, delete "county or"

AND

Page 4, line 19, delete "county"

AND

Page 4, line 20, before "city" delete "or"

AND

Page 4, line 21, delete "county or"

AND

Page 4, line 24, delete "county or"

AND

Page 5, line 19, delete "or county"

AND

Page 5, line 26, delete "or county"

AND

Page 5, line 33, delete "OR COUNTY"

AND

Page 5, line 36, delete "OR COUNTY"

AND

Page 6, line 5 delete "or the county"

AND

Page 6, line 8 delete "or county"

AND

Page 6, line 12 delete "or county"

AND

Page 6, line 31 delete "or quorum court"

AND

Page 7, line 1 delete "(A)"

AND

Page 7, line 4, delete lines 4 through 7

AND

Page 7, line 8 delete "or county"

/s/ Betty Pickett

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. 1708** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1708**

Amend **HOUSE BILL NO. 1708** as engrossed, 02/27/03:

Page 1, line 10, delete "MUNICIPALITY" and substitute "MUNICIPALITY WITH A POPULATION OF OVER ONE HUNDRED FIFTY THOUSAND (150,000)"

AND

Page 1, line 19, delete "MUNICIPALITY" and substitute "CITY OF OVER 150,000"

AND

Delete Section 1. and Section 2. of the bill and substitute new sections to read as follows:

"SECTION 1. Arkansas Code § 14-40-302 is amended to read as follows:

14-40-302. Authority - Exceptions.

(a)(1) By vote of two-thirds (2/3) of the total number of members making up its governing body, any municipality with a population of one hundred fifty thousand (150,000) people or less, according to the latest federal decennial census, may adopt an ordinance to annex lands contiguous to the municipality if the lands are any of the following:

~~(1)~~(A) Platted and held for sale or use as municipal lots;

~~(2)~~(B) Whether platted or not, if the lands are held to be sold as suburban property;

~~(3)~~(C) When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;

~~(4)~~(D) When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or

~~(5)~~(E) When they are valuable by reason of their adaptability for prospective municipal uses.

(2) By a vote of two-thirds (2/3) of the total number of members making up the governing body of a municipality with a population of more than one hundred fifty thousand (150,000) people, according to the latest federal decennial census, the municipality may adopt an ordinance to annex lands contiguous to the municipality if the lands being annexed are as described in subdivision (a)(1) of this section and if that municipality provides adequate services to the existing municipal citizens as described under subdivision (c)(2) of this section.

(b)(1) Contiguous lands shall not be annexed when they either:

(A) Have a fair market value, at the time of the adoption of the

ordinance, of lands used only for agricultural or horticultural purposes and the highest and best use of the lands is for agricultural or horticultural purposes; or

(B) Are lands upon which a new community is to be constructed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

(2) Any person, firm, corporation, partnership, or joint venturer desiring to come within this exclusion must have received from the Department of Housing and Urban Development a letter of preliminary commitment to fund the new community under one (1) of the federal acts.

(3) If any lands are annexed which are being used exclusively for agricultural purposes, the lands may continue to be used for such purposes so long as the owner desires and the lands shall be assessed as agricultural lands.

(c)(1) However, a municipality having a population of fewer than one thousand (1,000) persons shall not annex in any one (1) calendar year contiguous lands in excess of ten percent (10%) of the current land area of the municipality.

(2)(A) Before a municipality with a population of more than one hundred fifty thousand (150,000) people, according to the latest federal decennial census, may annex lands to enlarge the size of the present municipality, the municipality shall provide all municipal citizens living within the present corporate limits with adequate municipal services.

(B)(i) The municipal services to be provided are police services, fire protection services, sanitation services, and code enforcement or housing inspection services.

(ii) If the municipality provides water and sewer services and other utility services, municipal services shall include the availability of water service, sewage collection and treatment services, and the other utility services to all municipal citizens.

(iii) However, if the municipality is required to supply water or sewer service across a natural barrier to comply with this subdivision (c)(2), the municipality is exempt from the adequate service requirement for water and sewer service.

(C) In order for a municipal service to be adequate, the service is to be supplied to, or available for, all municipal citizens and shall be readily available to supply or hookup in all areas of the present municipality of more than one hundred fifty thousand (150,000) people.

SECTION 2. Arkansas Code § 14-40-304 is amended to read as follows:

14-40-304. Judicial review.

(a)(1) If it is alleged that the area proposed to be annexed to a municipality with a population of one hundred fifty thousand (150,000) people or less, according to the latest federal decennial census, does not conform to the requirements and standards prescribed in § 14-40-302, a legal action may be filed in the circuit court of the county where the lands lie, within thirty (30) days after the election, to nullify the election and to prohibit further proceedings pursuant to the election.

(2) If it is alleged that adequate municipal services are not being provided to all municipal citizens of the municipality with a population of more than one hundred fifty thousand (150,000) people or that the area proposed to be annexed does not conform to the requirements and standards prescribed in § 14-40-302, a legal action may be filed in the circuit court of the county where the lands lie, within thirty (30) days after the election, to nullify the election and to prohibit further proceedings pursuant to the election.

(b) In any such action filed in the circuit court of the county where the lands lie, the court shall have jurisdiction and the authority to determine whether the procedures outlined in this subchapter have been complied with, ~~and~~ whether the municipality has used the proper standards outlined in § 14-40-302 in determining the lands to be annexed, and whether the municipality under § 14-40-302(c)(2) was providing adequate municipal services to all municipal citizens of the current municipality.

(c)(1) Within the three (3) years after the date the annexation becomes final, if the municipality with a population of more than one hundred fifty thousand (150,000) people fails to extend the municipal services to the annexed area as prescribed in the schedule listed in the annexation ordinance under § 14-40-303(a)(2), then a legal action may be filed in the circuit court of the county where the lands lie, to nullify the annexation and to remove the annexed area from the municipality.

(2) The legal action under this subsection (c) is to be filed within four (4) years after the date the annexation becomes final.

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Matayo, **HOUSE BILL NO. 2906** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2906**

Amend **HOUSE BILL NO. 2906** as originally introduced:

Page 1, line 5, add the following Representatives as cosponsors of the bill:

Gillespie, House, Smith, P. Bookout

AND

Page 1, line 6, add the following Senator as cosponsor of the bill: T. Smith

AND

Delete everything after the enactment clause and substitute the following:

“SECTION 1. Arkansas Code § 23-87-108 is amended to read as follows:

23-87-108. Amount.

(a) Credit Life Insurance. The amount of credit life insurance shall not exceed the original amount of the indebtedness and any interest included therein.

(b) Credit Disability Insurance. The amount of periodic indemnity payable by credit disability insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of indebtedness and shall not exceed the original indebtedness and any interest included therein, divided by the number of periodic installments.

SECTION 2. Arkansas Code § 23-87-110 , concerning provisions of policies and certificates of insurance, is amended to add a new subsection to read as follows:

(c)(1) An individual policy, group certificate of insurance for credit life insurance and credit disability insurance, or a related form or document delivered to the debtor shall fully disclose to the debtor that purchase of credit life insurance and credit disability insurance is voluntary and is not required as a condition for the extension of credit.

(2) A credit life insurance and credit disability insurance policy or related form or document shall be filed with the Insurance Commissioner before it may be used in this state.

(3)(A) The commissioner’s approval of a credit life insurance and credit disability policy or related form or document shall be prima facie evidence of the validity of the coverages thereunder.

(B) There shall be no private cause of action challenging the validity or propriety of a policy or related form approved by the commissioner.

(C) Any action or process challenging or questioning the validity of a credit life insurance and credit disability policy or related form approved by the commissioner shall be brought only in the State Insurance Department under applicable provisions of the Arkansas Insurance Code or under procedures established by the Arkansas Administrative Procedure Act.

(d) The sale of credit life insurance or credit disability insurance shall not create a fiduciary relationship between the insurer and the insured.

(e) The insured's signature on an individual policy or group certificate of insurance of credit life insurance and credit disability insurance or a related document provided to the insured, evidencing the insured's election to purchase insurance in connection with a loan, shall be prima facie evidence of the insured's voluntary election to purchase the insurance, absent clear and convincing evidence that fraud was used to procure the insured's signature.

SECTION 3. Arkansas Code § 23-87-111(b), concerning the delivery of a credit life insurance or credit disability insurance policy or certificate, is amended to add a new subdivision to read as follows:

(b)(1) If the individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for the policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the amount of payment by the debtor separately in connection with credit life insurance and credit disability insurance coverage, and a brief description of the coverage provided or to be provided shall be delivered to the debtor at the time the indebtedness is incurred.

(2) The copy of the application for, or notice of, proposed insurance shall refer exclusively to insurance coverage and shall be separate and apart from the loan, sale, or other credit statement of account, instrument, or agreement unless the information required by this section is prominently set forth therein.

(3) Upon approval of the application, if any, or acceptance of the insurance and within thirty (30) days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor.

(4) The application or notice of proposed insurance shall state that, upon acceptance by the insurer, the insurance shall become effective as of the date the indebtedness is incurred.

(5) The insurer may rely upon the representations in the application regarding the health and employment of the applicant without further investigation or examination of the debtor.

(6) If credit life insurance or credit disability insurance is rescinded due to material misrepresentation on the part of the insurer, agent, creditor, or broker, the insured shall be entitled to a full refund of the premium paid.

SECTION 4. Arkansas Code § 23-87-112(a) and (b), concerning the filing, approval, and withdrawal of insurance policies, certificates, and notices, are amended to read as follows:

(a) All policies, certificates of insurance, notices of proposed insurance, applications for insurance, binders, endorsements, and riders shall be filed with the ~~insurance commissioner~~ Insurance Commissioner in the state in which the policy is issued.

(b) Within thirty (30) days after the filing of all policies, certificates of insurance, notices of proposed insurance, applications for insurance, binders, endorsements, and riders, in addition to other requirements of law, the ~~Insurance Commissioner~~ commissioner may disapprove the form if the table of premium rates charged or to be charged appears by reasonable assumptions to be excessive in relation to benefits or if it contains provisions which are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of the policy.

SECTION 5. Arkansas Code § 23-87-113 is amended to read as follows:

23-87-113. Premiums and refunds.

(a)(1) Each insurer issuing credit life insurance or credit disability insurance shall file with the Insurance Commissioner its schedules of premium rates for use in connection with the insurance.

(2) Any insurer may revise the schedule from time to time and shall file the revised schedules with the commissioner.

(3) No insurer shall issue any credit life insurance policy or credit disability insurance policy for which the premium rate exceeds that determined by the schedules of the insurer as then on file with the commissioner.

(4) The commissioner may require the filing of the schedule of premium rates for use in connection with and as a part of the specific policy filings as provided by § 23-87-112.

(5)(A) The commissioner shall have exclusive jurisdiction to approve all credit life insurance and credit disability insurance rates, policies, group certificates of insurance and related notices, applications, binders, endorsements, and riders issued in this state.

(B) Rates regarding credit life insurance or credit disability insurance that have been promulgated or approved by the commissioner are deemed to be valid unless changed under the Arkansas Insurance Code or the Arkansas Administrative Procedure Act.

(C)(1) There shall be no private cause of action for challenging credit life insurance or credit disability insurance rates that have been promulgated or approved by the commissioner.

(2) Any action or process challenging or questioning the validity of credit life insurance and credit disability rates approved by the commissioner shall be brought only in the State Insurance Department under applicable provisions of the Arkansas Insurance Code or under procedures established by the Arkansas Administrative Procedure Act.

(b)(1) Each individual policy, group certificate, or notice of proposed issuance of credit life insurance and credit disability insurance shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of premium due shall be paid or credited promptly to the person entitled thereto. However, the commissioner shall prescribe a minimum refund, and no refund which would be less than such minimum need be made.

(2)(A) The formula to be used in computing refunds shall be filed with the commissioner.

(B) The Rule of 78s is a permissible method of computing refunds for any kind of credit insurance except for level term life insurance, which shall be computed using the pro rata method.

(C) The formula used for computing refunds shall be disclosed in the policy or group certificate of insurance.

(3)(A) The commissioner shall have the exclusive jurisdiction to promulgate or approve refunds of unearned premiums.

(B) Any formula or method used or approved by the commissioner for determining the return of unearned premium under this section shall be deemed to be fair and reasonable.

(C)(i) There shall be no private cause of action to challenge any method of refunding unearned premium that has been promulgated or approved by the commissioner under this section.

(ii) Any action or process challenging or questioning the method of refunding an unearned credit life insurance and credit disability premium that has been approved by the commissioner shall be brought only in the State Insurance Department under applicable provisions of the Arkansas Insurance Code or under procedures established by the Arkansas Administrative Procedure Act.

(c) If a creditor requires a debtor to make a payment in connection with credit life insurance or credit disability insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to the debtor and shall promptly make an appropriate credit to the account.

SECTION 6. Arkansas Code § 23-87-117(a), concerning the maximum compensation payable to agents, brokers, or creditors of credit life or credit disability insurance, is amended to read as follows:

(a)(1) In order to assure that the premium rates charged or to be charged for credit life or credit disability insurance are reasonable in relation to benefits provided, the Insurance Commissioner may, after due notice and hearing, issue rules and regulations establishing the maximum compensation payable to an agent, a broker, or a creditor, or any affiliate, associate, subsidiary, director, officer, employee, or other representative of or for the creditor, for writing or handling the insurance, including commission, dividends, premium adjustments, policy writing fees, underwriting gain, or any compensation or remuneration in whatever form.

(2) An insurer may disclose the amount of commission or compensation payable to an agent, broker, or creditor under this section."

/s/ D. Matayo

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Judy, **HOUSE RESOLUTION NO. 1008** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE RESOLUTION NO. 1008**

Amend **HOUSE RESOLUTION NO. 1008** as originally introduced:

Page 1, delete lines 23 through 25 and substitute the following:

"continued a form of tribal government since 1831 and in 1895 wrote a constitution and by-laws creating a working tribal organization in Arkansas and Missouri; and"

/s/ Jan Judy

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. 2525** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2525**

Amend **HOUSE BILL NO. 2525** as originally introduced:

Delete everything after the Enacting clause in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 27-101-102(a), concerning the applicability of the general provisions for watercraft, is amended to read as follows:

(a) The provisions of ~~subchapters 1-3~~ of this chapter and of other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating thereto to operation, equipment, and numbering whenever any vessel shall be operated on the waters of this state or when any activity regulated by this subchapter shall take place ~~thereon~~ on the waters of this state.

SECTION 2. Arkansas Code § 27-101-103, is amended to read as follows:

27-101-103. Definitions.

As used in ~~subchapters 1-3~~ of this chapter, unless the context otherwise requires this chapter, unless otherwise specified in the particular subchapter:

(1) ~~"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation;~~

(1) "Commission" means the Arkansas State Game and Fish Commission;

(2) ~~"Motorboat" means any vessel operated upon water and which is propelled by sail or machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the United States Customs Service of the United States Government or any federal agency successor thereto;~~

(2) "Length" means the extreme deck fore-and-aft measurement of a vessel;

(3) ~~"Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;~~

(3) "Marina" means a dock or basin providing moorings for motorboats and offering supply, repair, or other services for remuneration;

(4) ~~"Waters of this state" means any public waters within the territorial limits of the State of Arkansas;~~

(4) "Marine sanitation device" means equipment that is identified by the United States Coast Guard as meeting the standards of the United States Environmental Protection Agency to eliminate the discharge of untreated sewage from vessels and is a device that receives, treats, retains, or discharges sewage;

~~(5) "Person" means an individual, partnership, firm, corporation, association, or other entity;~~

(5) "Motorboat" means any vessel operated upon water and which is propelled by sail or machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the United States Customs Service of the United States Government or any federal agency successor thereto

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel;

~~(7) "Length" means the extreme deck fore and aft measurement of a vessel;~~

(7) "Operator" means a person who is controlling the speed and direction of a vessel or a person who is in direct physical control of a vessel;

~~(8) "Operator" means a person who is controlling the speed and direction of a vessel or a person who is in direct physical control of a vessel;~~

(8)(A) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat.

(B) "Owner" includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but "owner" excludes a lessee under a lease not intended as security;

~~(9) "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel; and~~

(9) "Person" means an individual, partnership, firm, corporation, association, or other entity;

~~(10) "Commission" means the Arkansas State Game and Fish Commission.~~

(10) "Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel;

(11) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation; and

(12)(A) "Waters of this state" means any public waters within the territorial limits of the State of Arkansas.

(B) However, waters that are confined within a pond, tank, or lake, situated entirely on the premises of a single owner and that, except under abnormal flood conditions, are in no way connected by water or with any other flowing stream or body of water, or with any other body of water not situated on the premises of the owner, are declared to be privately owned waters and shall not be construed to be waters of this state.

SECTION 3. Arkansas Code § 27-101-105(a), concerning enforcement of watercraft laws and failure to obey an officer, is amended to read as follows:

(a)(1)(A) It shall be the duty of every sheriff, deputy sheriff, state police officer, and enforcement officer of the Arkansas State Game and Fish Commission to enforce the provisions of subchapters 1-3 of this chapter, except that it shall be the duty of the Department of Health to separately enforce the provisions of subchapter 4 of this chapter.

(B) Certified law enforcement officers of the Department of Parks and Tourism and municipal police officers may enforce the provisions of subchapters 1-3 of this chapter.

(2) In the exercise thereof, they shall have the authority to stop and board any vessel subject to subchapters 1-3 of this chapter and to investigate any accident or violation involving vessels subject to subchapters 1-3 of this chapter.

(3) Upon investigation, they may direct the operator of any vessel in violation of subchapters 1-3 of this chapter to return to the dock where the voyage originated or to the nearest dock if appropriate.

SECTION 4. Arkansas Code § 27-101-106 is amended to read as follows:

27-101-106. Jurisdiction.

Jurisdiction to try offenses under this subchapter shall be in the courts of the county where the person owning or operating the boat resides or in the county where the offense is committed or in any county through or by which the boat is being run or operated on the waters of this state at the time of the violation of this subchapter chapter.

SECTION 5. Arkansas Code § 27-101-108. is amended to read as follows:

27-101-108. Filing and publication of rules and regulations.

(a) A copy of the regulations adopted pursuant to this subchapter subchapters 1, 2, 3, 5, and 6 of this chapter and of any amendments thereto shall be filed in the office of the Arkansas State Game and Fish Commission, ~~and in the office of the Secretary of State, and the county clerk of each county of this state~~ the Arkansas State Library, and the Bureau of Legislative Research where they each copy shall be preserved as a public record.

(b) A copy of the regulations adopted under subchapter 4 and of any amendments those regulations shall be filed in the office of the Department of Health, in the office of the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research where each copy shall be preserved as a public record.

~~(b)~~(c) Rules and regulations under this section shall be published by the ~~Arkansas State Game and Fish Commission~~ responsible state agency in a convenient form for public use.

SECTION 6. Arkansas Code § 27-101-109 is amended to read as follows:

27-101-109. Remission of fines.

(a) All fines collected for violations of ~~subchapters 1-3~~ of this chapter shall be remitted to the issuing law enforcement office to be used by that office for the administration and enforcement of ~~subchapters 1-3~~ of this chapter.

(b) However, fines collected for violations of subchapter 4 shall be remitted to the Department of Health for administration and enforcement of subchapter 4.

SECTION 7. Arkansas Code § 27-101-110 is amended to read as follows:

27-101-110. Deposit of funds in State Treasury.

All fees collected by the Director of the Department of Finance and Administration under the provisions of ~~subchapters 1-3~~ of this chapter shall be deposited as special revenues in the State Treasury to the credit of the Special Revenue Fund Account of the State Apportionment Fund. All these funds shall be credited to the Boating Safety Account, which is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State.

SECTION 8. Arkansas Code § 27-101-111 (a), concerning distribution of funds from fees for watercraft, is amended to read as follows:

(a) The Treasurer of State, on or before the fifth of the month next following the month during which the funds shall have been received by him, shall distribute the funds in the manner provided in this section:

(1) Three percent (3%) of the amount to the Constitutional Officers Fund and the State Central Services Fund to be used for defraying the necessary expenses of the state government; and

(2) Ninety-seven percent (97%) of the amount thereof, as follows:

(A) ~~Ten percent (10%)~~ Eight percent (8%) to the Constitutional Officers Fund and the State Central Services Fund.

(B) ~~Forty-five percent (45%)~~ Thirty-six percent (36%) to the Game Protection Fund for use by the Arkansas State Game and Fish Commission as provided by law.

(C) ~~Forty five percent (45%)~~ Thirty-six percent (36%) to the County Aid Fund which, on or before the tenth of the month following the end of each calendar quarter, shall be remitted by state warrants to the various county treasurers in the proportions thereof as between the respective counties that, as certified by the Director of the Department of Finance and Administration to the Treasurer of State, the total fees produced from each county bears to the total of the fees produced from all counties.

(D) Twenty percent (20%) to the Marine Sanitation Fund for use by the Department of Health to administer a marine sanitation program.

SECTION 9. Arkansas Code § 27-101-306(d), concerning the numbering period, expiration, and renewal for watercraft certificates of numbers, is amended to read as follows:

(d)(1) A fee based on the length of the motorboat as set forth in this subsection shall be charged for the issuance of a certificate of number and for each renewal of each certificate of number.

(2) The fee to be collected for certificates shall be as follows:

Fee Category	3 Years
Vessels less than sixteen feet (16') in length .....	<del>\$ 6.00</del>
	<u>\$7.50</u>
Vessels sixteen feet (16') to less than twenty-six feet (26').....	<del>12.00</del>
	<u>15.00</u>
Vessels twenty-six feet (26') or more .....	<del>18.00</del>
	<u>22.50</u>

SECTION 10. Arkansas Code § 27-101-310 (a), concerning destroyed or abandoned boats, is amended to read as follows:

(a) Whenever any motorboat numbered under the provisions of ~~subchapters 1-3 of this chapter~~ this subchapter shall be destroyed or abandoned, its owner shall notify the Director of the Department of Finance and Administration, within fifteen (15) days after the destruction or abandonment, and the certificate of number of the motorboat shall be terminated.

SECTION 11. The Heading for Arkansas Code Title 27, Chapter 101, Subchapter 4, is amended to read as follows:

Subchapter 4 – Funds Marine Sanitation.

SECTION 12. Arkansas Code § 27-101-406 is repealed.

~~27-101-406. Permit Fees.~~

~~(a) No person shall operate a marine toilet on a boat or a marine sanitation system on a boat that is not validly permitted by the Department of Health for the operation of that toilet or marine sanitation system.~~

~~(b) The annual permit fee to operate a marine toilet on a boat or a marine sanitation system on a boat shall be forty five dollars (\$45.00) for the first marine toilet or marine sanitation system on a boat and fifteen dollars (\$15.00) for each additional marine toilet or marine sanitation system on the same boat. One third (1/3) of the fees shall apply to the minigrant program to be administered by the Department of Health.~~

~~(c) A late penalty fee equal to one half (1/2) of the annual permit fee shall be charged to renew a permit sixty (60) days after the annual expiration date.~~

SECTION 13. Arkansas Code § 27-101-407 is amended to read as follows:

27-101-407. Marina Owners and operators of commercial boating facilities, docks, and marinas.

(a) Marina Owners and operators of commercial boating facilities, docks, and marinas shall cooperate with all applicable state and federal agencies and the Marine Sanitation Advisory Committee to ensure that the disposal of marine sewage is consistent with state and federal law.

(b) When accepting new boat arrivals, marina owners and operators of commercial boating facilities, docks, and marinas shall inform ~~boat vessel~~ owners and operators of the requirements of state and federal law regarding the proper disposal of marine sewage.

SECTION 14. Arkansas Code § 27-101-408 is amended to read as follows:

27-101-408. Funds Marine sanitation funds.

(a) All fees and fines levied and collected under the provisions of this subchapter are declared to be special revenues and shall be deposited in the State Treasury to be credited to the ~~Public Health~~ Marine Sanitation Fund to be used only for the administration of this subchapter.

(b) Subject to ~~such~~ rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is authorized to transfer all unexpended funds relative to marine toilets and marine sanitation systems that pertain to fees or fines collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 15. Arkansas Code Title 27, Chapter 101, Subchapter 4 is amended by to additional sections to read as follows:

27-101-411. Marine sewage discharge prohibitions - Marine sanitation device requirements.

(a)(1) Except to the extent permitted by federal law and in order to protect the health and safety of persons using the waters of this state, it is unlawful for any person to operate or use a vessel capable of discharging untreated sewage from a vessel into the waters of this state.

(2) Raw sewage shall not be discharged from any vessel, including houseboats, into waters of this state.

(b)(1) On waters of this state, vessels which have toilet facilities permanently installed shall be equipped with a United States Coast Guard certified Marine Sanitation Device designed to receive, retain, treat, or discharge sewage in accordance with applicable federal requirements.

(2)(A) This section applies only to vessels equipped with permanently installed toilet facilities and does not require the installation of this type of facility in vessels not already so equipped.

(B) However, houseboats shall be equipped with at least one (1) permanently installed toilet which shall be properly connected to a United States Coast Guard certified Type III Marine Sanitation Device.

(3) For vessels other than houseboats, the use of portable toilets that can be emptied ashore in regular sewage treatment systems is entirely within the spirit and letter of this section and is encouraged.

(c)(1) All waste from Type III Marine Sanitation Devices shall be disposed in approved sewage pumpout facilities.

(2) All waste from portable toilets shall be disposed in approved waste reception or sewage pumpout facilities.

(d)(1) Except to the extent permitted by federal law, it shall be unlawful for any person to discharge any treated or untreated sewage into any waters of this state lawfully designated as no discharge.

(2) A no discharge designation shall be based on the criteria established by the United States Environmental Protection Agency for determining no discharge waters regarding marine sanitation devices, and shall include federal impoundments owned or managed by the United States Army Corps of Engineers.

(3) Any such discharge of sewage from a vessel shall be prima facie evidence that the discharge was done by the operator, or owner, if the operator cannot be determined, of the vessel.

(4) A no discharge type Type III Marine Sanitation Device, or a Type I or II Marine Sanitation Device secured against discharge is required in vessels operated on no discharge waters.

(5) A vessel equipped with a flow through Type I or II Marine Sanitation Device that has been secured by a locked shut off valve, broken line, or blanked off hull opening to prevent overboard discharge shall be considered equipped with a no discharge type Marine Sanitation Device.

27-101-412. Sewage disposal by commercial boating facilities, docks, and marinas.

(a) For purposes of this section, "sewage pumpout facility" means equipment designed to receive the discharge of sewage from a Marine Sanitation Device and allow the disposal of the sewage in a manner that prevents the sewage from entering the waters of this state.

(b) By July 1, 2004, any person owning or operating a commercial boating facility, dock, or marina that stores or houses vessels equipped with toilet facilities and marine sanitation devices shall provide access to sewage pumpout facilities.

(c) To provide access to sewage pumpout facilities, a commercial boating facility, dock, or marina owner or operator may, as an illustration of and not as a limit on the options available to the owner or operator:

(1) Build and operate pumpout facilities;

(2) Contract with another boating facility, dock, or marina with pumpout facilities if the contacting boating facility, dock, or marina is not more than eight (8) water miles away and is accessible in a way that does not require vessels to be trailered; and

(2) Contract with a person licensed by the State of Arkansas to provide pumpout facility service, if the service is available during normal business hours, including holidays, and if the service can be provided within a reasonable time upon request by a vessel owner or operator.

27-101-413. Department of Health – Powers and duties.

The Department of Health shall:

(1) Administer and enforce all laws and regulations, to the extent permitted by federal law and in accordance with applicable regulations adopted by the United States Coast Guard and the United States Environmental Protection Agency, relating to marine toilet facilities, marine sanitation devices, and unlawful discharge of marine sewage from vessels into waters of this state;

(2) Enter at all reasonable times in or upon any vessel for the purpose of inspecting and investigating conditions relating to marine toilet facilities, marine sanitation devices, and unlawful discharge of marine sewage from vessels into waters of this state;

(3) Adopt regulations, consistent with applicable federal law, after consultation with the Marine Sanitation Advisory Committee, and that are deemed necessary to carry out the provisions of this subchapter;

(4) Bring any appropriate action in court in the name of the State of Arkansas that is necessary to carry out the provisions of this subchapter; and

(5) Make, issue, modify, and revoke orders prohibiting or abating the unlawful discharge of marine sewage from vessels into waters of this state.

27-101-414. Penalties.

(a) Any person who violates any provision of this subchapter or any regulation promulgated under this subchapter shall be guilty of a misdemeanor and subject to a fine not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) or imprisonment not to exceed three (3) months, or both.

(b)(1) Any person who violates any provision of this subchapter or any regulation promulgated under this subchapter may be assessed an administrative civil penalty not to exceed one thousand dollars (\$1,000) per violation.

(2) The owner and operator of any vessel shall be jointly and severally liable for the civil penalty imposed under this section.

(c) All fines and penalties imposed and collected under this section shall be deposited in the Marine Sanitation Fund and shall be used to:

(1) Implement, administer, and enforce this subchapter;

(2) Construct, renovate, or operate sewage pumpout and waste reception facilities; and

(3) Conduct education programs to inform vessel owners and operators about the problem of human body waste discharges from vessels and inform them of the locations of sewage pumpout and waste reception facilities.

SECTION 16. Arkansas Code Title 19, Chapter 6, subchapter 4 is amended to and additional section to read as follows:

19-6-487. Marine Sanitation Fund.

(a) There is created on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a special revenue fund to be known as the "Marine Sanitation Fund".

(b)(1) All moneys collected under 27-101-110 shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) The fund shall also consist of any unexpended balances of fees and fines for use of the Marine Sanitation Program remaining in the Public Health Fund on June 30, 2003.

(3) The fund shall also consist of any other revenues as may be authorized by law.

(c) The fund shall be used by the Department of Health for the purposes set out in Title 27, Chapter 101, Subchapter 4.

SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the discharge of untreated sewage from vessels into waters of the State of Arkansas poses a serious threat to the public health and the environment; that such a serious threat needs to be rectified immediately; and that this act improves the state's ability to enforce laws relative to marine sanitation. 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/ David Haak

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Stovall, **HOUSE BILL NO. 2407** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2407**

Amend **HOUSE BILL NO. 2407** as originally introduced:

Page 3, line 6, delete "month" and substitute "year"

/s/ Bill Stovall

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. 2643** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2643**

Amend **HOUSE BILL NO. 2643** as originally introduced:

Page 2, line 26, add new sections to the bill to read as follows:

"SECTION 2. Arkansas Code § 14-40-1202, concerning the special election called for the consolidation of two (2) cities, is amended to add an additional subsection to read as follows:

(c) In order to provide for an orderly transition of affairs, if the petition calls for a delay in the implementation of the consolidation, the consolidation shall not take effect until the date specified in the petition, except that the consolidation shall not be delayed longer than eighteen (18) months from the date the election results are declared by the court.

SECTION 3. Arkansas Code § 12-40-1203 is amended to read as follows:

14-40-1203. Election results.

(a) At any election held under this subchapter, all qualified electors who are residents of either municipality shall be allowed to vote on the adoption or rejection of the proposed annexation or consolidation and the name of the proposed consolidated municipality.

(b)(1)(A)(i) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall be in favor of the consolidation or annexation, then the county court shall declare, by an appropriate order, the annexation or consolidation consummated, unless the petition has requested a delayed date for implementation of the consolidation.

(ii) If the petition calls for a delay in the implementation of the consolidation and if a majority of the votes cast in each of the respective municipalities shall be in favor of the consolidation, then the county court shall order the annexation or consolidation consummated on the date specified in the petition, except that the date shall not be more than eighteen (18) months after the date election results are declared by the court.

(B)(i) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall be in favor of the same name of the municipality, then the county court shall declare, by appropriate order, the name of the consolidated municipality.

(ii) If a majority of the votes cast in each of the respective municipalities, considered as a separate and distinct unit and without reference to the vote cast in the other, shall not be in favor of the same name of the municipality, then the county court shall declare, by appropriate order, the name of the consolidated municipality to be the name of the larger municipality.

(C) Upon the making of the order, the smaller municipal corporation and the territory comprising it shall, in law, be deemed and be taken to be included and shall be a part of the larger municipal corporation, and the inhabitants thereof shall in all respects be citizens of the larger municipal corporation.

(2) If a majority of the votes of either municipal corporation shall be against annexation, then the city or incorporated town shall not be again permitted to attempt the consolidation for two (2) years.

SECTION 4. Arkansas Code § 14-40-1207 is amended to read as follows:

14-40-1207. Special election of aldermen or all city officials.

(a)(1) ~~The~~ Except as provided under subdivision (a)(2) of this section, the city or town council shall call a special election of aldermen, to be held at such times and places as it may direct in the wards of the smaller municipality and for the election of aldermen from any other new wards that may be created by the council out of territory included in the larger city or incorporated town before the annexation, as provided for in this subchapter.

(2) If the petition calls for a citywide election for all officials of the new consolidated city or incorporated town, then the city or town council shall call a special election for all city or town officials to be held at the times and places as it may direct throughout each ward of the consolidated city or incorporated town.

(3) If the implementation of the consolidation of the cities or towns is delayed, the special election for new aldermen or all city officials shall be held at least forty-five (45) days before the effective date of the consolidation.

(b) Each ward of the consolidated city or incorporated town shall have two (2) aldermen, to be elected in the same manner and for the same term as aldermen are elected in cities and incorporated towns.”

/s/ Barbara King

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Lamoureux, **HOUSE BILL NO. 2296** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2296**

Amend **HOUSE BILL NO. 2296** as originally introduced:

Page 20, line 20 delete “may” and substitute “shall”

AND

Page 20, line 25 add “within thirty (30) days” after “court”

/s/ Michael Lamoureux

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. 2377** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2377

Amend **HOUSE BILL NO. 2377** as engrossed, 3/14/03:

Add Senator G. Baker as a cosponsor of the bill

/s/ Preston Scroggin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Parks, **HOUSE BILL NO. 2869** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2869

Amend **HOUSE BILL NO. 2869** as originally introduced:

Page 1, delete line 10 and substitute the following:

“COMMUNICATIONS ACT OF 1985; AND FOR OTHER”

AND

Page 1, delete line 15 and substitute the following:

“SAFETY COMMUNICATIONS ACT OF 1985.”

AND

Delete everything after the enactment clause and substitute the following:

“SECTION 1. Arkansas Code § 12-10-320 is amended to read as follows:

12-10-320. Emergency telephone service charges -- Duties, rights, liability, etc., of service supplier.

(a)(1) Each service supplier currently providing exchange telephone service or commercial mobile radio service in a political subdivision shall register with the clerk of each political subdivision in which it provides service.

(2) As of the effective date of this subdivision (a)(2), each service supplier that desires to provide exchange telephone service or commercial mobile radio service in a political subdivision shall register with the clerk of each political subdivision in which it desires to provide service, before commencing operations within the political subdivision.

~~(a)(b)~~ The duty of the each service supplier to collect any such service charge shall commence upon the date of its implementation, which date shall be specified in the resolution calling the election.

~~(b)(1)(c)(1)~~ The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge.

(2) However, the service supplier shall annually provide the governing authority of the political subdivision with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge.

(3) The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier.

(4) Good faith compliance by the service supplier with this provision shall constitute a complete defense for the service supplier to any legal action or claim which may result from the service supplier's determination of nonpayment and the identification of service users in connection therewith.

~~(c)(1)(d)(1)~~ The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due quarterly. The amount of service charge collected on one (1) calendar quarter by the service supplier shall be remitted to the political subdivision no later than sixty (60) days after the close of a calendar quarter.

(2) A return, in such form as the governing authority of the political subdivision and the service supplier agree upon, shall be filed with the political subdivision, together with a remittance of the amount of service collected payable to the political subdivision.

(3) From the gross receipts to be remitted to the political subdivision, the service supplier shall be entitled to retain as an administrative fee an amount equal to one percent (1%) thereof.

(4) The service supplier shall maintain records of the amount of the service charge collected for a period of at least two (2) years from date of collection.

(5) The governing authority may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge.

/s/ Marvin Parks

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. 2284** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2284**

Amend **HOUSE BILL NO. 2284** as originally introduced:

Add Senator Baker as a cosponsor of the bill

AND

Page 1, line 10, delete "WRITTEN EXAMINATION FOR LICENSED" and substitute "LICENSURE OF"

AND

Page 1, lines 16 and 17, delete "WRITTEN EXAMINATION FOR LICENSED" and substitute "LICENSURE OF"

/s/ Phillip Jackson

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Bennett unanimous leave to withdraw **HOUSE BILL NO. 1496**.

The House gave Representative Judy unanimous leave to withdraw **HOUSE BILL NO. 1150**. **HOUSE BILL NO. 1150** was recommended for study in the Interim by the Committee on Public Retirement and Social Security Programs.

The House gave Representative Gillespie unanimous leave to withdraw **HOUSE BILL NO. 2418**. **HOUSE BILL NO. 2418** was recommended for study in the Interim by the Committee on Public Transportation.

ENGROSSED BILL REPORTS

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HERSCHEL W. CLEVELAND, CHAIRMAN

March 18, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1139 BY REPRESENTATIVE J. ELLIOTT  
 HOUSE BILL NO. 1232-TITLE-BY REPRESENTATIVE J. JOHNSON, ET AL  
 HOUSE BILL NO. 1708-TITLE-BY REPRESENTATIVE HUTCHINSON  
 HOUSE BILL NO. 1728-TITLE-BY REPRESENTATIVE PICKETT, ET AL  
 HOUSE BILL NO. 1755 BY REPRESENTATIVE HARRIS  
 HOUSE BILL NO. 2223-TITLE-BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 2284-TITLE-BY REPRESENTATIVE JACKSON  
 HOUSE BILL NO. 2296 BY REPRESENTATIVE LAMOUREUX  
 HOUSE BILL NO. 2377-TITLE-BY REPRESENTATIVE SCROGGIN  
 HOUSE BILL NO. 2385 BY REPRESENTATIVE MEDLEY  
 HOUSE BILL NO. 2407 BY REPRESENTATIVE STOVALL  
 HOUSE BILL NO. 2476 BY REPRESENTATIVE ADAMS  
 HOUSE BILL NO. 2489-TITLE-BY REPRESENTATIVE CHILDERS  
 HOUSE BILL NO. 2514-TITLE-BY REPRESENTATIVE J. JOHNSON, ET AL  
 HOUSE BILL NO. 2525 BY REPRESENTATIVE HAAK  
 HOUSE BILL NO. 2643 BY REPRESENTATIVE KING  
 HOUSE BILL NO. 2677-TITLE-BY REPRESENTATIVE MAHONY  
 HOUSE BILL NO. 2727 BY REPRESENTATIVE SULLIVAN, ET AL  
 HOUSE BILL NO. 2730 BY REPRESENTATIVE AGEE  
 HOUSE BILL NO. 2802-TITLE-BY REPRESENTATIVE J. JOHNSON, ET AL  
 HOUSE BILL NO. 2816 BY REPRESENTATIVE BOLIN  
 HOUSE BILL NO. 2869-TITLE-BY REPRESENTATIVE PARKS  
 HOUSE BILL NO. 2887-TITLE-BY REPRESENTATIVE J. JOHNSON, ET AL  
 HOUSE BILL NO. 2906-TITLE-BY REPRESENTATIVE MATAYO, ET AL  
 HOUSE RESOLUTION NO. 1008 BY REPRESENTATIVE JUDY, ET AL  
 SENATE BILL NO. 258-TITLE-BY SENATOR BISBEE  
 SENATE BILL NO. 434 SENATOR CRITCHER AND  
 REPRESENTATIVE R. SMITH

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1232

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BY: REPRESENTATIVES J. JOHNSON, *PENIX, THOMAS, CHESTERFIELD, DANGEAU, FITE, SEAWEL, GREEN, C. JOHNSON, WHITE, DICKINSON, MAHONY, WOOD, PICKETT, WEAVER, JACOBS, ELLIOTT, HARDWICK*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCLUDE THE NATIONAL BOARD CERTIFICATION BONUSES AS SALARY FOR THE PURPOSES OF RETIREMENT BENEFITS UNDER THE ARKANSAS TEACHER RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1708

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BY: REPRESENTATIVE HUTCHINSON  
*BY: SENATOR BROADWAY*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE A *MUNICIPALITY WITH A POPULATION OF OVER ONE HUNDRED FIFTY THOUSAND (150,000)* TO PROVIDE ADEQUATE MUNICIPAL SERVICES TO ITS CURRENT MUNICIPAL CITIZENS BEFORE ANNEXING ANY ADDITIONAL AREAS TO THE MUNICIPALITY; TO PROVIDE FOR A LEGAL ACTION TO DETERMINE IF ADEQUATE SERVICES ARE BEING PROVIDED TO CURRENT CITIZENS AND TO THE ANNEXED AREAS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1728

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BY: REPRESENTATIVES PICKETT, BRADFORD, MAHONY, *P. BOOKOUT*,  
*THYER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW CERTAIN CITIES OF THE FIRST CLASS TO CONDUCT LOCAL OPTION ELECTIONS TO DECIDE THE ISSUE OF ALLOWING THE SALE OF ALCOHOLIC BEVERAGES IN HOTELS, RESTAURANTS, AND LARGE ATTENDANCE FACILITIES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2223

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BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REGULATE PROFESSIONAL EMPLOYER ORGANIZATIONS; TO PROVIDE CERTAIN EXEMPTIONS FROM REGISTRATION REQUIREMENTS FOR THESE ORGANIZATIONS; TO REQUIRE A PROFESSIONAL *EMPLOYER ORGANIZATION* TO MAINTAIN CERTAIN FINANCIAL STANDARDS FOR THESE ORGANIZATIONS; TO DESIGNATE CERTAIN RECORDS AS CONFIDENTIAL FOR CONFIDENTIALITY; TO ALLOCATE RIGHTS, DUTIES AND OBLIGATIONS UNDER PROFESSIONAL EMPLOYER AGREEMENTS; TO REQUIRE WORKERS' COMPENSATION COVERAGE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2284

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BY: REPRESENTATIVE JACKSON

BY: *SENATOR BAKER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL ARKANSAS CODE § 17-25-509(d) CONCERNING THE *LICENSURE OF* RESIDENTIAL BUILDING CONTRACTORS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2377

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BY: REPRESENTATIVE SCROGGIN

BY: *SENATOR BAKER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ACT 182 OF 2003 TO DEFINE "SYSTEM SOFTWARE", "APPLICATION SOFTWARE", AND "SYSTEM SOFTWARE MAINTENANCE"; TO ALLOW A SALES OR USE TAX CREDIT ON THE PURCHASE OR LICENSE OF SYSTEM SOFTWARE OR SYSTEM SOFTWARE MAINTENANCE FOR A QUALIFIED COMPUTER-RELATED BUSINESS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2489

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BY: REPRESENTATIVE CHILDERS

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ENSURE THE LICENSING AND REGISTRATION OF RADIOACTIVE MATERIALS AND DEVICES CONTAINING RADIOACTIVE MATERIAL IN ARKANSAS; TO OFF-SET COSTS TO THE DEPARTMENT OF HEALTH; TO AMEND ARKANSAS CODE § 20-21-213; TO AMEND ARKANSAS CODE § 20-21-213; TO AMEND ARKANSAS CODE § 20-21-217; TO AMEND ARKANSAS CODE § 20-21-217; TO AMEND ARKANSAS CODE § 20-21-217; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2514

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BY: REPRESENTATIVES J. JOHNSON, *CHESTERFIELD*, *THOMAS*, *DANGEAU*,  
*FITE*, *GREEN*, *C. JOHNSON*, *WHITE*, *MAHONY*, *WOOD*, *WEAVER*, *PICKETT*,  
*JACOBS*, *HARDWICK*, *ELLIOTT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW A TEACHER TO HAVE A WITNESS OR REPRESENTATIVE OF THE TEACHER'S CHOICE PRESENT DURING ANY DISCIPLINARY OR GRIEVANCE MATTER UPON REQUEST OF THE TEACHER; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2677

---

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE SUPREME COURT REVIEW OF POPULAR NAMES AND BALLOT TITLES ON INITIATIVE AND REFERENDUM PETITIONS AFTER THE PETITIONS ARE FILED; TO REPEAL EXISTING LAWS PROVIDING FOR APPROVAL AND REVIEW OF POPULAR NAMES AND BALLOT TITLES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2802

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BY: REPRESENTATIVES J. JOHNSON, *THOMAS*, *CHESTERFIELD*, *DANGEAU*,  
*FITE*, *SEAWEL*, *GREEN*, *C. JOHNSON*, *DICKINSON*, *WEAVER*, *ELLIOTT*,  
*JACOBS*, *MAHONY*, *WHITE*, *WOOD*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE EACH SCHOOL DISTRICT TO REPORT COMPLIANCE WITH PERSONNEL POLICY COMMITTEE REQUIREMENTS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2869

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BY: REPRESENTATIVE PARKS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS PUBLIC SAFETY *COMMUNICATIONS ACT OF 1985*; AND FOR *OTHER PURPOSES*.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2887

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BY: REPRESENTATIVES J. JOHNSON, *PENIX, CHESTERFIELD, THOMAS, DANGEAU, FITE, SEAWEL, GREEN, WEAVER, HARDWICK, PICKETT, ELLIOTT, DICKINSON, JACOBS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DATA BE MADE AVAILABLE ON THE DEPARTMENT OF EDUCATION WEBSITE; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED  
SENATE BILL NO. 258

---

BY: SENATOR BISBEE

BY: REPRESENTATIVE ROEBUCK

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AUTHORIZE A PILOT PROGRAM FOR LICENSURE OF FOREIGN-TRAINED DENTISTS IMMIGRATING TO THIS STATE*; AND FOR *OTHER PURPOSES*.

State of Arkansas  
Office of the Governor

Mike Huckabee  
*Governor*

March 18, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on March 17, 2003, I approved the following measures from the Regular Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1040, which is now Act 413 of 2003, and  
HOUSE BILL NO. 1057, which is now Act 414 of 2003, and  
HOUSE BILL NO. 1211, which is now Act 415 of 2003, and  
HOUSE BILL NO. 1259, which is now Act 416, of 2003, and  
HOUSE BILL NO. 1373, Which is now Act 417 of 2003, and  
HOUSE BILL NO. 1420, which is now Act 418 of 2003, and  
HOUSE BILL NO. 1445, which is now Act 419 of 2003, and  
HOUSE BILL NO. 1470, which is now Act 420 of 2003, and  
HOUSE BILL NO. 1485, which is now act 421 of 2003, and  
HOUSE BILL NO. 1530, which is now act 422 of 2003, and  
HOUSE BILL NO. 1568, which is now act 423 of 2003, and  
HOUSE BILL NO. 1569, which is now act 424 of 2003, and  
HOUSE BILL NO. 1575, which is now Act 425 of 2003, and  
HOUSE BILL NO. 1584, which is now Act 426 of 2003, and  
HOUSE BILL NO. 1597, which is now Act 427 of 2003, and  
HOUSE BILL NO. 1625, which is now Act 428 of 2003, and  
HOUSE BILL NO. 1627, which is now Act 429 of 2003, and  
HOUSE BILL NO. 1628, which is now Act 430 of 2003, and  
HOUSE BILL NO. 1649, which is now Act 431 of 2003, and  
HOUSE BILL NO. 1650, which is now Act 432 of 2003, and  
HOUSE BILL NO. 1651, which is now Act 433 of 2003, and  
HOUSE BILL NO. 1688, which is now Act 434 of 2003, and

Governor's Letter Bills which are now Acts (continued)

HOUSE BILL NO. 1689, which is now Act 435 of 2003, and  
HOUSE BILL NO. 1690, which is now Act 436 of 2003, and  
HOUSE BILL NO. 1714, which is now Act 437 of 2003, and  
HOUSE BILL NO. 1721, which is now Act 438 of 2003, and  
HOUSE BILL NO. 1731, which is now Act 439 of 2003, and  
HOUSE BILL NO. 1749, which is now Act 440 of 2003, and  
HOUSE BILL NO. 1751, which is now Act 441 of 2003, and  
HOUSE BILL NO. 1757, which is now Act 442 of 2003, and  
HOUSE BILL NO. 1758, which is now Act 443 of 2003, and  
HOUSE BILL NO. 1759, which is now Act 444 of 2003, and  
HOUSE BILL NO. 1776, which is now Act 445 of 2003, and  
HOUSE BILL NO. 1778, which is now Act 446 of 2003, and  
HOUSE BILL NO. 1779, which is now Act 447 of 2003, and  
HOUSE BILL NO. 1780, which is now Act 448 of 2003, and  
HOUSE BILL NO. 1781, which is now Act 449 of 2003, and  
HOUSE BILL NO. 1782, which is now Act 450 of 2003, and  
HOUSE BILL NO. 1783, which is now Act 451 of 2003, and  
HOUSE BILL NO. 1786, which is now Act 452 of 2003, and  
HOUSE BILL NO. 1886, which is now Act 453 of 2003

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

Representative Mahony moved to Expunge the vote by which **HOUSE BILL NO. 2677**, Amendment #2 passed.

Upon motion of Representative Mahony, **HOUSE BILL NO. 2677** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 3 TO HOUSE BILL NO. 2677**

Amend **HOUSE BILL NO. 2677** as engrossed H3/13/03:

Page 1, delete the subtitle and substitute the following:

“AUTHORIZE SUPREME COURT REVIEW OF POPULAR NAMES/BALLOT TITLES ON INITIATIVE/REFERENDUM PETITIONS AFTER THE PETITIONS ARE FILED; REPEAL EXISTING LAWS PROVIDING FOR APPROVAL & REVIEW OF POPULAR NAMES/BALLOT TITLES.”

AND

Page 2, delete line 8 and substitute the following:

“or \_\_\_\_\_ County,”

AND

Page 2, line 9, delete “County,”

AND

Page 3, line 4, underline the quotation marks after the close-parentheses

AND

Page 3, line 11, delete the strikethrough from the quotation marks

AND

Page 3, line 11, strikethrough the period

AND

Page 4, line 16, add underlined quotation marks after the close-parentheses

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Roebuck, **SENATE BILL NO. 258** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 258**

Amend **SENATE BILL NO. 258** as engrossed, S2/20/03:

Page 1, delete the Title and substitute the following:

"AN ACT TO AUTHORIZE A PILOT PROGRAM FOR LICENSURE OF FOREIGN-TRAINED DENTISTS IMMIGRATING TO THIS STATE; AND FOR OTHER PURPOSES."

AND

Page 1, delete the Subtitle and substitute the following:

"AN ACT TO AUTHORIZE A PILOT PROGRAM FOR LICENSURE OF FOREIGN-TRAINED DENTISTS IMMIGRATING TO THIS STATE."

AND

Page 1, line 34, delete "in a" from the end of the line

AND

Page 1, line 35, delete "foreign country" and substitute "in North America"

AND

Page 2, delete line 8 and substitute the following:

"provisional license is issued.

SECTION 2. This pilot program of licensure for foreign-trained graduates and the granting of licensure to foreign-trained dentists will expire at the close of the 2005 regular session of the Arkansas General Assembly."

AND

Page 2, line 10, delete "SECTION 2." and substitute "SECTION 3."

AND

Page 2, delete lines 11 through 14 and substitute the following:

"General Assembly of the State of Arkansas that a need exists to examine the impact and quality of services to be performed by foreign-trained dentists immigrating to Arkansas. Therefore, an emergency is declared to exist and this act being"

/s/ Tommy Roebuck

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative R. Smith, **SENATE BILL NO. 434** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 434

Amend **SENATE BILL NO. 434** as engrossed, S3/13/03:

Page 1, line 32, delete "may" and substitute "shall"

AND

Page 2, delete line 10 and substitute the following:

"complete an annual application process developed in the rules and"

AND

Page 2, line 14 add a comma after "include"

AND

Page 2, delete lines 15 and 16 and substitute the following:

"but not be"

AND

Page 2, delete lines 21 and 22 and substitute the following:

"(ii) Completion of an educational component developed by the Department of Health that includes information on the risks and benefits of vaccination;"

AND

Page 3, delete lines 13 through 17 and substitute the following:

"a letter of exemption from the Department of Health.

(2)(A) The individual shall complete an annual application process developed in the rules and regulations of the Department of Health"

AND

Page 3, line 20, add a comma after "include"

AND

Page 3, delete lines 21 and 22 and substitute the following:

"but not be"

AND

Page 3, Delete line 26 and substitute the following:

"individual regarding the objection"

AND

Page 3, delete lines 27 through 30 and substitute the following:

"(ii) Completion of an educational component developed by the Department of Health that includes information on the risks and benefits of vaccination;"

(iii) An informed consent from the individual that shall include a signed statement of refusal to vaccinate based"

AND

Page 4, delete line 17 and substitute the following:

"shall complete an annual application process developed in the rules and"

AND

Page 4, delete lines 22, through 24 and substitute the following:

"shall include but not be limited to:"

AND

Page 4, delete lines 28 and 29 and substitute the following:

"(ii) Completion of an educational component developed by the Department of Health that includes information on the risks and benefits of vaccination;"

/s/ Tommy Roebuck

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE CONCURRENT RESOLUTION NO. 1014

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BY: REPRESENTATIVE LENDALL

REQUESTING THE JOINT COMMITTEE ON ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY TO HOLD HEARINGS TO DETERMINE THE AMOUNT OF WORK DONE TO DATE REGARDING THE DIGITAL LIBRARY CONCEPT AND TO STUDY AND REVIEW THE POTENTIAL FOR SUCH A SYSTEM IN THE STATE OF ARKANSAS.

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

HOUSE BILL NO. 2306

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BY: REPRESENTATIVE BLEDSOE

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

AFFIRMATIVE: Adams, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Agee, Bolin, Bright, Dangeau, Hardwick, Hutchinson, C. Johnson, Jones, Mack, Mahony, Mr. Speaker.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast.....89

Total number voting in the affirmative .....89

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

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

HOUSE BILL NO. 1862

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BY: REPRESENTATIVE P. BOOKOUT

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, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, 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, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Dangeau, Jeffrey, C. Johnson, Mack, Nichols, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

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

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

SENATE BILL NO. 268

BY: SENATOR GULLETT

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, 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, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, 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.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Bright, C. Johnson, Mack, Medley, Norton, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

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

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

Morning Hour Expired.

Representative Hathorn moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1385

Amend HOUSE BILL NO. 1385 as engrossed, H2/17/03:

Page 1, delete line 24 and substitute the following:

"be consulted before the hiring of or the removal of the"

/s/ Sue Madison

The Amendment was read and 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, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Harris, Hathorn, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....84

NEGATIVE: Kenney, Key, Matayo, Pace.

Total .....4

ABSENT OR NOT VOTING: Childers, Dangeau, Gillespie, Hardwick, C. Johnson, Mack, Medley, Parks, Pritchard, Seawel, Mr. Speaker.

Total .....11

VOTING PRESENT: Hickenbotham.

Total .....1

Total number of votes cast .....89

Total number voting in the affirmative .....84

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

Representative Hathorn moved that the House concur in the following Senate Amendment.

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 1385

Amend HOUSE BILL NO. 1385 as engrossed, H2/17/03:

Page 1, line 27, delete "may share" and substitute "may, with the consent of the employee, share"

AND

Page 1, delete line 28, and substitute "judge."

/s/ Sue Madison

The Amendment was read and 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, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....88

NEGATIVE: Kenney, Key, Matayo, Pace.

Total .....4

ABSENT OR NOT VOTING: Childers, C. Johnson, Mack, Medley, Parks, Pritchard, Seawel, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....88

Necessary to concur in the amendment.....51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 2402

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BY: REPRESENTATIVE COWLING

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, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, 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, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, 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, Walters, Weaver, White, Wood.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bennett, Borhauer, Childers, Hutchinson, C. Johnson, Mack, Norton, Pritchard, Rankin, Verkamp, Mr. Speaker.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast .....89

Total number voting in the affirmative .....89

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

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

HOUSE BILL NO. 1620

BY: REPRESENTATIVE JEFFREY

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

AFFIRMATIVE: Adams, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, Weaver, White, Wood.

Total .....89

NEGATIVE: D. Evans, Walters.

Total .....2

ABSENT OR NOT VOTING: Agee, Berry, Childers, Hutchinson, C. Johnson, J. Johnson, Mack, Pritchard, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Total number voting in the affirmative .....89

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

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

Motion was made by Representative Judy to refer HOUSE BILL NO. 1694 back to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS. Motion Carried.

HOUSE BILL NO. 2619

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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, 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, J. Johnson, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, 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, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bennett, C. Johnson, Judy, Mack, Matayo, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Total number voting in the affirmative .....94

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

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

HOUSE BILL NO. 2417

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BY: REPRESENTATIVE PENIX

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, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, R. Smith, Stovall, Sullivan, C. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Hutchinson, C. Johnson, Kenney, Mack, Seawel, Sumpter, J. Taylor, Weaver, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Total number voting in the affirmative .....91

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

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

HOUSE BILL NO. 1636

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, 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, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: C. Johnson, Mack, Seawel, Stovall, Sumpter, Verkamp, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....93

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

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

HOUSE BILL NO. 1122

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BY: REPRESENTATIVE R. SMITH

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, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, 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, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Edwards, C. Johnson, Mack, Mathis, Sullivan, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Total number voting in the affirmative .....94

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

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

Upon motion of Representative L. Prater HOUSE BILL NO. 1332 will be recalled from the Senate.

SENATE BILL NO. 59

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BY: SENATOR HORN

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

AFFIRMATIVE: Biggs, Blair, Bond, P. Bookout, Borhauer, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Elliott, L. Evans, Ferguson, Fite, Gillespie, Goss, Harris, Hathorn, Hickinbotham, Jackson, Jacobs, J. Johnson, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Pace, Pickett, Pritchard, Rankin, Roebuck, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Weaver, White, Wood.

Total .....61

NEGATIVE: Agee, Anderson, Berry, Bolin, Dangeau, D. Evans, Green, Haak, Hardwick, Jeffrey, Judy, Medley, Norton, Ormond, Penix, L. Prater, S. Prater, Schulte, Scrimshire, Scroggin, Sumpter, Walters.

Total .....22

ABSENT OR NOT VOTING: Adams, Bennett, Bledsoe, Boyd, Bright, Edwards, House, Hutchinson, C. Johnson, Mack, Mahony, Petrus, Rosenbaum, Mr. Speaker.

Total .....14

VOTING PRESENT: Gipson, Parks, Pate.

Total .....3

Total number of votes cast .....86

Total number voting in the affirmative .....61

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

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

Upon motion of Representative Cowling the Clincher motion prevailed.

SENATE BILL NO. 69

BY: SENATOR BROADWAY

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, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, 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.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Edwards, Hutchinson, C. Johnson, Mack, Parks, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

Total number voting in the affirmative .....94

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

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

SENATE BILL NO. 390

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BY: SENATOR CAPPS

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, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, 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, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bright, Chesterfield, Dangeau, Edwards, Hardwick, Hutchinson, C. Johnson, Mack, Sumpter, J. Taylor, Mr. Speaker.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast .....89

Total number voting in the affirmative .....89

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

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

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

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HOUSE BILL NO. 1122 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1620 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 1636 BY REPRESENTATIVE DEES  
 HOUSE BILL NO. 1730 BY REPRESENTATIVE WEAVER  
 HOUSE BILL NO. 2387 BY REPRESENTATIVE MEDLEY  
 HOUSE BILL NO. 2401 BY REPRESENTATIVE ROSENBAUM  
 HOUSE BILL NO. 2402 BY REPRESENTATIVE COWLING  
 HOUSE BILL NO. 2417 BY REPRESENTATIVE PENIX  
 HOUSE BILL NO. 2475 BY REPRESENTATIVE MILLIGAN  
 HOUSE BILL NO. 2619 BY REPRESENTATIVE MAHONY

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND  
 ORDERED TRANSMITTED TO THE SENATE

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HOUSE CONCURRENT RESOLUTION NO. 1014  
 BY REPRESENTATIVE LENDALL

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

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SENATE BILL NO. 59 BY SENATOR HORN  
 SENATE BILL NO. 69 BY SENATOR BROADWAY  
 SENATE BILL NO. 389 BY SENATOR J. BOOKOUT  
 SENATE BILL NO. 390 BY SENATOR CAPPS  
 SENATE BILL NO. 419 BY SENATOR MADISON  
 SENATE BILL NO. 452 BY SENATOR STEELE  
 AS AMENDED #1

ARKANSAS SENATE  
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

---

HOUSE BILL NO. 1067 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1116 BY REPRESENTATIVE MARTIN  
AS AMENDED #1  
HOUSE BILL NO. 1120 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1134 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1135 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1170 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1262 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1360 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1397 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1432 BY REPRESENTATIVE JUDY  
AS AMENDED #1  
HOUSE BILL NO. 1450 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1508 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1657 BY REPRESENTATIVE ANDERSON  
HOUSE BILL NO. 1668 BY REPRESENTATIVE HUTCHINSON  
HOUSE BILL NO. 1847 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1848 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1849 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1850 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1855 BY REPRESENTATIVE SCRIMSHIRE  
HOUSE BILL NO. 1858 BY REPRESENTATIVE WEAVER  
HOUSE BILL NO. 1859 BY REPRESENTATIVE MATAYO  
HOUSE BILL NO. 1872 BY REPRESENTATIVE EDWARDS  
HOUSE BILL NO. 1874 BY REPRESENTATIVE JEFFREY  
HOUSE BILL NO. 1883 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1940 BY REPRESENTATIVE BENNETT  
HOUSE BILL NO. 1946 BY REPRESENTATIVE BERRY  
HOUSE BILL NO. 1947 BY REPRESENTATIVE BERRY  
HOUSE BILL NO. 1949 BY REPRESENTATIVE MAHONY  
HOUSE BILL NO. 1960 BY REPRESENTATIVE S. PRATER  
HOUSE BILL NO. 1961 BY REPRESENTATIVE S. PRATER  
HOUSE BILL NO. 1962 BY REPRESENTATIVE S. PRATER  
HOUSE BILL NO. 1963 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1964 BY REPRESENTATIVE S. PRATER

## ARKANSAS SENATE

HOUSE BILLS RETURNED FROM THE SENATE AS PASSED (continued)

HOUSE BILL NO. 1971 BY REPRESENTATIVE BERRY  
 HOUSE BILL NO. 1972 BY REPRESENTATIVE BERRY  
 HOUSE BILL NO. 1973 BY REPRESENTATIVE PENIX  
 HOUSE BILL NO. 1974 BY REPRESENTATIVE PENIX  
 HOUSE BILL NO. 1975 BY REPRESENTATIVE AGEE  
 HOUSE BILL NO. 1976 BY REPRESENTATIVE BENNETT  
 HOUSE BILL NO. 2008 BY REPRESENTATIVE DICKINSON  
 HOUSE BILL NO. 2012 BY REPRESENTATIVE DEES  
 HOUSE BILL NO. 2013 BY REPRESENTATIVE CREEKMORE  
 HOUSE BILL NO. 2019 BY REPRESENTATIVE JUDY  
 HOUSE BILL NO. 2027 BY REPRESENTATIVE JACOBS  
 HOUSE BILL NO. 2031 BY REPRESENTATIVE EDWARDS  
 HOUSE BILL NO. 2032 BY REPRESENTATIVE EDWARDS  
 HOUSE BILL NO. 2052 BY REPRESENTATIVE DOBBINS  
 HOUSE BILL NO. 2053 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 2058 BY REPRESENTATIVE DOBBINS  
 HOUSE BILL NO. 2063 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 2064 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 2072 BY REPRESENTATIVE GIPSON  
 HOUSE BILL NO. 2074 BY REPRESENTATIVE GIPSON  
 HOUSE BILL NO. 2130 BY REPRESENTATIVE DOBBINS  
 HOUSE BILL NO. 2151 BY REPRESENTATIVE AGEE  
 HOUSE BILL NO. 2152 BY REPRESENTATIVE AGEE  
 HOUSE BILL NO. 2158 BY REPRESENTATIVE HUTCHINSON

ARKANSAS SENATE  
NOTICE OF RETURN OF HOUSE BILLS

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HOUSE BILL NO. 1332 BY REPRESENTATIVE L. PRATER

ARKANSAS SENATE  
SENATE BILLS RECEIVED FROM SENATE

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SENATE BILL NO. 106 BY SENATOR FARIS  
 SENATE BILL NO. 323 BY SENATOR WILKINS  
 SENATE BILL NO. 324 BY SENATOR WILKINS  
 SENATE BILL NO. 325 BY SENATOR WILKINS  
 SENATE BILL NO. 326 BY SENATOR WILKINS  
 SENATE BILL NO. 327 BY SENATOR WILKINS  
 SENATE BILL NO. 328 BY SENATOR WILKINS  
 SENATE BILL NO. 329 BY SENATOR WILKINS  
 SENATE BILL NO. 330 BY SENATOR WILKINS  
 SENATE BILL NO. 356 BY SENATOR WILKINS  
 SENATE BILL NO. 357 BY SENATOR WILKINS  
 SENATE BILL NO. 370 BY SENATOR WILKINS  
 SENATE BILL NO. 378 BY SENATOR FARIS  
 SENATE BILL NO. 429 BY SENATOR BROADWAY  
 SENATE BILL NO. 482 BY SENATOR BROADWAY  
 SENATE BILL NO. 539 BY SENATOR WILKINS  
 SENATE BILL NO. 540 BY SENATOR WILKINS  
 SENATE BILL NO. 554 BY SENATOR CAPPS  
 SENATE BILL NO. 565 BY SENATOR ALTES  
 SENATE BILL NO. 671 BY SENATOR WILKINS  
 SENATE BILL NO. 676 BY SENATOR WILKINS  
 SENATE BILL NO. 702 BY SENATOR CRITCHER  
 SENATE BILL NO. 731 BY SENATOR WILKINSON  
 SENATE BILL NO. 732 BY SENATOR WILKINSON  
 SENATE BILL NO. 742 BY SENATOR MADISON  
 SENATE BILL NO. 754 BY JOINT BUDGET COMMITTEE  
 SENATE BILL NO. 765 BY SENATOR STEELE  
 SENATE BILL NO. 770 BY SENATOR SALMON  
 SENATE BILL NO. 855 BY SENATOR HIGGINBOTHOM

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

March 18, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1455	BY REPRESENTATIVE KING
HOUSE BILL NO. 1474	BY REPRESENTATIVE GIPSON
HOUSE BILL NO. 1475	BY REPRESENTATIVE GIPSON
HOUSE BILL NO. 1556	BY REPRESENTATIVES DOBBINS, MARTIN
HOUSE BILL NO. 1557	BY REPRESENTATIVES DOBBINS, WOOD
HOUSE BILL NO. 1577	BY REPRESENTATIVE DEES
HOUSE BILL NO. 1602	BY REPRESENTATIVES DEES, ADAMS
HOUSE BILL NO. 1603	BY REPRESENTATIVE DEES
HOUSE BILL NO. 1617	BY REPRESENTATIVE JEFFREY
HOUSE BILL NO. 1618	BY REPRESENTATIVE JEFFREY
HOUSE BILL NO. 1626	BY REPRESENTATIVE NAPPER
HOUSE BILL NO. 1637	BY REPRESENTATIVE DOBBINS
HOUSE BILL NO. 1669	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1670	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1671	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1672	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1673	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1674	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1675	BY REPRESENTATIVE SULLIVAN
HOUSE BILL NO. 1677	BY REPRESENTATIVE BENNETT
HOUSE BILL NO. 1678	BY REPRESENTATIVE BENNETT
HOUSE BILL NO. 1682	BY REPRESENTATIVE JEFFREY
HOUSE BILL NO. 1683	BY REPRESENTATIVE JEFFREY
HOUSE BILL NO. 1693	BY REPRESENTATIVE S. PRATER
HOUSE BILL NO. 1709	BY REPRESENTATIVE HUTCHINSON
HOUSE BILL NO. 1713	BY REPRESENTATIVES HARRIS, MATAYO
HOUSE BILL NO. 1762	BY REPRESENTATIVE WOOD
HOUSE BILL NO. 1763	BY REPRESENTATIVE WOOD
HOUSE BILL NO. 1764	BY REPRESENTATIVES WOOD, S. PRATER
HOUSE BILL NO. 1765	BY REPRESENTATIVE S. PRATER

ENROLLED AND DELIVERY TO GOVERNOR REPORTS, (continued)

HOUSE BILL NO. 1766 BY REPRESENTATIVE S. PRATER  
HOUSE BILL NO. 1771 BY REPRESENTATIVE BENNETT  
HOUSE BILL NO. 1784 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1785 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1789 BY REPRESENTATIVE GIPSON, ET AL  
HOUSE BILL NO. 1803 BY REPRESENTATIVES D. EVANS, PATE  
HOUSE BILL NO. 1815 BY REPRESENTATIVES P. BOOKOUT, THYER  
HOUSE BILL NO. 1821 BY REPRESENTATIVE KING  
HOUSE BILL NO. 1822 BY REPRESENTATIVES DEES, MAHONY  
HOUSE BILL NO. 1823 BY REPRESENTATIVE HUTCHINSON  
HOUSE BILL NO. 1825 BY REPRESENTATIVE THYER, ET AL  
HOUSE BILL NO. 1826 BY REPRESENTATIVE THYER  
HOUSE BILL NO. 1827 BY REPRESENTATIVE THYER  
HOUSE BILL NO. 1833 BY REPRESENTATIVE VERKAMP  
HOUSE BILL NO. 1844 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1845 BY REPRESENTATIVE CLEVELAND  
HOUSE BILL NO. 1846 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 12:10 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland  
Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1455 BY REPRESENTATIVE KING  
 HOUSE BILL NO. 1474 BY REPRESENTATIVE GIPSON  
 HOUSE BILL NO. 1475 BY REPRESENTATIVE GIPSON  
 HOUSE BILL NO. 1556 BY REPRESENTATIVES DOBBINS, MARTIN  
 HOUSE BILL NO. 1557 BY REPRESENTATIVES DOBBINS, WOOD  
 HOUSE BILL NO. 1577 BY REPRESENTATIVE DEES  
 HOUSE BILL NO. 1602 BY REPRESENTATIVES DEES, ADAMS  
 HOUSE BILL NO. 1603 BY REPRESENTATIVE DEES  
 HOUSE BILL NO. 1617 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 1618 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 1626 BY REPRESENTATIVE NAPPER  
 HOUSE BILL NO. 1637 BY REPRESENTATIVE DOBBINS  
 HOUSE BILL NO. 1669 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1670 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1671 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1672 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1673 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1674 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1675 BY REPRESENTATIVE SULLIVAN  
 HOUSE BILL NO. 1677 BY REPRESENTATIVE BENNETT  
 HOUSE BILL NO. 1678 BY REPRESENTATIVE BENNETT  
 HOUSE BILL NO. 1682 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 1683 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 1693 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 1709 BY REPRESENTATIVE HUTCHINSON  
 HOUSE BILL NO. 1713 BY REPRESENTATIVES HARRIS, MATAYO  
 HOUSE BILL NO. 1762 BY REPRESENTATIVE WOOD  
 HOUSE BILL NO. 1763 BY REPRESENTATIVE WOOD  
 HOUSE BILL NO. 1764 BY REPRESENTATIVES WOOD, S. PRATER  
 HOUSE BILL NO. 1765 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 1766 BY REPRESENTATIVE S. PRATER  
 HOUSE BILL NO. 1771 BY REPRESENTATIVE BENNETT  
 HOUSE BILL NO. 1784 BY REPRESENTATIVE CLEVELAND  
 HOUSE BILL NO. 1785 BY REPRESENTATIVE CLEVELAND

RECEIPT FROM THE GOVERNOR, (continued)

HOUSE BILL NO. 1789 BY REPRESENTATIVE GIPSON, ET AL  
 HOUSE BILL NO. 1803 BY REPRESENTATIVES D. EVANS, PATE  
 HOUSE BILL NO. 1815 BY REPRESENTATIVES P. BOOKOUT, THYER  
 HOUSE BILL NO. 1821 BY REPRESENTATIVE KING  
 HOUSE BILL NO. 1822 BY REPRESENTATIVES DEES, MAHONY  
 HOUSE BILL NO. 1823 BY REPRESENTATIVE HUTCHINSON  
 HOUSE BILL NO. 1825 BY REPRESENTATIVE THYER, ET AL  
 HOUSE BILL NO. 1826 BY REPRESENTATIVE THYER  
 HOUSE BILL NO. 1827 BY REPRESENTATIVE THYER  
 HOUSE BILL NO. 1833 BY REPRESENTATIVE VERKAMP  
 HOUSE BILL NO. 1844 BY REPRESENTATIVE CLEVELAND  
 HOUSE BILL NO. 1845 BY REPRESENTATIVE CLEVELAND  
 HOUSE BILL NO. 1846 BY REPRESENTATIVE CLEVELAND

/s/ Mike Huckabee - Governor

TIME: 12:10 p.m.

By: Sarah Martin

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

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Little Rock, Arkansas

March 18, 2003

MR. SPEAKER:

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

HOUSE CONCURRENT MEMORIAL

RESOLUTION NO. 1001 BY REPRESENTATIVE ADAMS  
 HOUSE BILL NO. 1427 BY REPRESENTATIVES WOOD, DEES  
 HOUSE BILL NO. 1453 BY REPRESENTATIVE NAPPER  
 HOUSE BILL NO. 1460 BY REPRESENTATIVE WALTERS  
 HOUSE BILL NO. 1513 BY REPRESENTATIVE LEDBETTER  
 HOUSE BILL NO. 1544 BY REPRESENTATIVE DANGEAU  
 HOUSE BILL NO. 1587 BY REPRESENTATIVE DICKINSON, ET AL  
 HOUSE BILL NO. 1613 BY REPRESENTATIVE HUTCHINSON  
 HOUSE BILL NO. 1679 BY REPRESENTATIVE BORHAUER, ET AL  
 HOUSE BILL NO. 1735 BY REPRESENTATIVE HUTCHINSON

ENROLLED AND DELIVERY TO GOVERNOR REPORTS, (continued)

HOUSE BILL NO. 1748 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1753 BY REPRESENTATIVE BIGGS  
 HOUSE BILL NO. 1930 BY REPRESENTATIVE MACK  
 HOUSE BILL NO. 1942 BY REPRESENTATIVE JEFFREY, ET AL  
 HOUSE BILL NO. 1956 BY REPRESENTATIVE BOND  
 HOUSE BILL NO. 1985 BY REPRESENTATIVE EDWARDS, ET AL  
 HOUSE BILL NO. 2153 BY REPRESENTATIVE ADAMS  
 HOUSE BILL NO. 1121 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1124 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1125 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1126 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1131 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1132 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1133 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1145 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1197 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1198 BY REPRESENTATIVE R. SMITH

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:37 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland  
 Chairman

RECEIPT FROM THE GOVERNOR

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RECEIVED FROM THE HOUSE:

HOUSE CONCURRENT MEMORIAL

RESOLUTION NO. 1001 BY REPRESENTATIVE ADAMS  
 HOUSE BILL NO. 1427 BY REPRESENTATIVES WOOD, DEES  
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 HOUSE BILL NO. 1197 BY REPRESENTATIVE R. SMITH  
 HOUSE BILL NO. 1198 BY REPRESENTATIVE R. SMITH

/s/ Mike Huckabee - Governor

TIME: 9:37 a.m.

By: Sarah Martin

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

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March 18, 2003

The Honorable Ann Cornwell  
Secretary of the Senate  
State Capitol  
Little Rock, AR 72201

Dear Ms. Cornwell:

The House of Representatives respectfully requests the return to the House, of House Bill 1332.

Respectfully submitted,

/s/ Jo Renshaw  
Chief Clerk, House of Representatives

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

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**MEMORANDUM**

TO: Whom It May Concern  
FROM: House Committee on the Journal; Engrossed and Enrolled Bills  
DATE: March 18, 2003  
SUBJECT: Amendment #1 to House Resolution 1008

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The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #1 to HR1008. In the Amendment, the first paragraph should read, "Page 1, delete lines 24 through 26" instead of "Page 1, delete lines 23 through 25".

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HR1008.

/s/ Herschel W. Cleveland  
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman  
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman  
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE BILL NO. 1150 was recommended for study in the Interim by the Committee on PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

HOUSE BILL NO. 2418 was recommended for study in the Interim by the Committee on PUBLIC TRANSPORTATION.

HOUSE RESOLUTION NO. 1024

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BY: REPRESENTATIVE CLEMONS

COMMENDING THE PINE BLUFF "ZEBRAS" HIGH SCHOOL BOYS BASKETBALL TEAM FOR WINNING THE CLASS AAAAA STATE CHAMPIONSHIP.

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

HOUSE RESOLUTION NO. 1025

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BY: REPRESENTATIVE EDWARDS

COMMENDING AND EXPRESSING APPRECIATION TO THE UNIVERSITY OF ARKANSAS PRESS.

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 2:30 p.m. until 1:30 p.m. Wednesday, March 19, 2003.

ATTEST:

\_\_\_\_\_  
Herschel W. Cleveland  
Speaker of the House of Representatives

\_\_\_\_\_  
Jo Renshaw  
Chief Clerk