

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

---



---

Little Rock, Arkansas

March 20, 2003

The House was called to order at 1:33 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, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Smith, Stovall, Sullivan, Sumpter, C.Taylor, J.Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood, Mr. Speaker.

Total .....98

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

Total .....2

A quorum was present.

Unanimous leave was granted for Representative(s) Borhauer, C. Johnson.

The House stood and was led in prayer by Reverend Donnie Davis, Pastor, New Shiloh Missionary Baptist Church, Blevins, Arkansas.

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

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

COMMITTEE REPORT

|                               |                  |
|-------------------------------|------------------|
| JOINT BUDGET                  | March 20, 2003   |
|                               | Steve Napper     |
|                               | Vice Chairperson |
| HOUSE BILL NO. 1117           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1119           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1260           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1292           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1295           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1297           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1303           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1334           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1335           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1406           | DO PASS          |
| BY REPRESENTATIVE RANKIN AND  |                  |
| SENATOR J. JEFFRESS           |                  |
| HOUSE BILL NO. 1416           | DO PASS          |
| BY REPRESENTATIVE KEY AND     |                  |
| SENATOR WOMACK                |                  |
| HOUSE BILL NO. 1417           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |
| HOUSE BILL NO. 1451           | DO PASS          |
| BY REPRESENTATIVE ROEBUCK AND |                  |
| SENATOR MALONE                |                  |
| HOUSE BILL NO. 1473           | DO PASS          |
| BY REPRESENTATIVE KEY         |                  |
| HOUSE BILL NO. 1509           | DO PASS          |
| BY JOINT BUDGET COMMITTEE     |                  |

COMMITTEE REPORT (continued)

|                                    |         |
|------------------------------------|---------|
| HOUSE BILL NO. 1572                | DO PASS |
| REPRESENTATIVE LEWELLEN, ET AL     |         |
| SENATOR STEELE, ET AL              |         |
| HOUSE BILL NO. 1616                | DO PASS |
| JOINT BUDGET COMMITTEE             |         |
| HOUSE BILL NO. 1685                | DO PASS |
| REPRESENTATIVE HUTCHINSON          |         |
| HOUSE BILL NO. 1695                | DO PASS |
| REPRESENTATIVE RANKIN              |         |
| HOUSE BILL NO. 1696                | DO PASS |
| REPRESENTATIVE RANKIN AND          |         |
| SENATOR J. JEFFRESS                |         |
| HOUSE BILL NO. 1734                | DO PASS |
| BY REPRESENTATIVE CLEVELAND        |         |
| HOUSE BILL NO. 1790                | DO PASS |
| BY REPRESENTATIVE ROEBUCK AND      |         |
| SENATOR MALONE                     |         |
| HOUSE BILL NO. 1791                | DO PASS |
| BY REPRESENTATIVES ROEBUCK,        |         |
| THOMASON, WHITE AND SENATOR MALONE |         |
| HOUSE BILL NO. 1792                | DO PASS |
| BY REPRESENTATIVES ROEBUCK, AND    |         |
| THOMASON AND SENATOR MALONE        |         |
| HOUSE BILL NO. 1793                | DO PASS |
| BY REPRESENTATIVES ROEBUCK AND     |         |
| MACK AND SENATOR MALONE            |         |
| HOUSE BILL NO. 1794                | DO PASS |
| BY REPRESENTATIVE ROEBUCK AND      |         |
| SENATOR MALONE                     |         |
| HOUSE BILL NO. 1829                | DO PASS |
| BY JOINT BUDGET COMMITTEE          |         |
| HOUSE BILL NO. 1831                | DO PASS |
| BY REPRESENTATIVES BLEDSOE AND     |         |
| ANDERSON                           |         |
| HOUSE BILL NO. 1856                | DO PASS |
| BY REPRESENTATIVE ROEBUCK AND      |         |
| SENATOR MALONE                     |         |

COMMITTEE REPORT(continued)

|   |         |
|---|---------|
| HOUSE BILL NO. 1863<br>BY REPRESENTATIVE R. SMITH                     | DO PASS |
| HOUSE BILL NO. 1866<br>BY REPRESENTATIVE R. SMITH                     | DO PASS |
| HOUSE BILL NO. 1882<br>BY REPRESENTATIVE ROSENBAUM                    | DO PASS |
| HOUSE BILL NO. 1977<br>BY REPRESENTATIVE PACE                         | DO PASS |
| HOUSE BILL NO. 1979<br>BY REPRESENTATIVE PACE                         | DO PASS |
| HOUSE BILL NO. 1990<br>BY REPRESENTATIVE LEWELLEN                     | DO PASS |
| HOUSE BILL NO. 2028<br>BY REPRESENTATIVE L. EVANS                     | DO PASS |
| HOUSE BILL NO. 2033<br>BY REPRESENTATIVE CLEVELAND                    | DO PASS |
| HOUSE BILL NO. 2034<br>BY REPRESENTATIVE CLEVELAND                    | DO PASS |
| HOUSE BILL NO. 2035<br>BY REPRESENTATIVE CLEVELAND                    | DO PASS |
| HOUSE BILL NO. 2036<br>BY REPRESENTATIVES CLEVELAND AND<br>LEDBETTER  | DO PASS |
| HOUSE BILL NO. 2041<br>BY REPRESENTATIVE HARRIS AND<br>SENATOR BISBEE | DO PASS |
| HOUSE BILL NO. 2042<br>REPRESENTATIVE HARRIS AND<br>SENATOR HOLT      | DO PASS |
| HOUSE BILL NO. 2044<br>REPRESENTATIVE LEWELLEN                        | DO PASS |
| HOUSE BILL NO. 2045<br>REPRESENTATIVE PACE                            | DO PASS |
| HOUSE BILL NO. 2055<br>REPRESENTATIVES LEDBETTER AND<br>ELLIOTT       | DO PASS |

COMMITTEE REPORT(continued)

|  |         |
|--|---------|
| HOUSE BILL NO. 2056  | DO PASS |
| BY REPRESENTATIVES LEDBETTER AND<br>DOBBINS                          |         |
| HOUSE BILL NO. 2057  | DO PASS |
| BY REPRESENTATIVE LEDBETTER  |         |
| HOUSE BILL NO. 2059  | DO PASS |
| BY REPRESENTATIVE PACE   |         |
| HOUSE BILL NO. 2075  | DO PASS |
| BY REPRESENTATIVE BLEDSOE  |         |
| HOUSE BILL NO. 2077  | DO PASS |
| BY REPRESENTATIVES HARRIS AND<br>MATAYO AND SENATOR HOLT             |         |
| HOUSE BILL NO. 2092  | DO PASS |
| BY REPRESENTATIVE BLEDSOE  |         |
| HOUSE BILL NO. 2114  | DO PASS |
| BY REPRESENTATIVE R. SMITH, ET AL<br>AND SENATORS T. SMITH AND FARIS |         |
| HOUSE BILL NO. 2131  | DO PASS |
| BY REPRESENTATIVE HUTCHINSON   |         |
| HOUSE BILL NO. 2157  | DO PASS |
| BY REPRESENTATIVE LEDBETTER  |         |

COMMITTEE REPORT

|                           |                |
|---------------------------|----------------|
| RULES                     | March 20, 2003 |
|                           | MIKE CREEKMORE |
|                           | CHAIRPERSON    |
| HOUSE BILL NO. 2470       | DO PASS        |
| BY REPRESENTATIVE MOORE   |                |
| HOUSE BILL NO. 2757       | DO PASS        |
| BY REPRESENTATIVE WALTERS |                |

COMMITTEE REPORT

|                              |                   |
|------------------------------|-------------------|
| EDUCATION                    | March 20, 2003    |
|                              | HARMON SEAWEL     |
|                              | CHAIRPERSON       |
| HOUSE BILL NO. 2376          | DO PASS           |
| BY REPRESENTATIVE WHITE      |                   |
| HOUSE BILL NO. 2388          | DO PASS           |
| BY REPRESENTATIVE MEDLEY     |                   |
| HOUSE BILL NO. 2514          | DO PASS           |
| BY REPRESENTATIVE J. JOHNSON |                   |
| HOUSE RESOLUTION NO. 1023    | DO PASS           |
| BY REPRESENTATIVE R. SMITH   |                   |
| HOUSE RESOLUTION NO. 1024    | DO PASS           |
| BY REPRESENTATIVE CLEMONS    |                   |
| HOUSE RESOLUTION NO. 1025    | DO PASS           |
| BY REPRESENTATIVE EDWARDS    |                   |
| SENATE BILL NO. 307          | DO PASS           |
| BY SENATOR BROADWAY          |                   |
| SENATE BILL NO. 746          | DO PASS           |
| BY SENATOR WILKINS           | NON-CONTROVERSIAL |
| SENATE BILL NO. 764          | DO PASS           |
| BY SENATOR WILKINS           |                   |

COMMITTEE REPORT

|                           |                       |
|---------------------------|-----------------------|
|                           | March 20, 2003        |
| JUDICIARY                 | MIKE HATHORN          |
|                           | CHAIRPERSON           |
| HOUSE BILL NO. 1589       | DO PASS AS AMENDED #1 |
| BY REPRESENTATIVE MARTIN  |                       |
| HOUSE BILL NO. 1676       | DO PASS               |
| BY REPRESENTATIVE BENNETT |                       |
| HOUSE BILL NO. 1981       | DO PASS AS AMENDED #2 |
| BY REPRESENTATIVE PENIX   |                       |
| HOUSE BILL NO. 2248       | DO PASS               |
| BY REPRESENTATIVE BLAIR   | AS AMENDED #3 & #4    |
| HOUSE BILL NO. 2310       | DO PASS               |
| BY REPRESENTATIVE PATE    |                       |
| HOUSE BILL NO. 2473       | DO PASS AS AMENDED #1 |
| BY REPRESENTATIVE MARTIN  |                       |
| HOUSE BILL NO. 2523       | DO PASS AS AMENDED #1 |
| BY REPRESENTATIVE HAAK    |                       |

COMMITTEE REPORT

|                                  |                     |
|----------------------------------|---------------------|
|                                  | March 20, 2003      |
| PUBLIC HEALTH, WELFARE AND LABOR | JAY BRADFORD        |
|                                  | CHAIRPERSON         |
| HOUSE BILL NO. 1834              | DO PASS             |
| BY REPRESENTATIVE PENIX          |                     |
| HOUSE BILL NO. 1864              | DO PASS, CONCUR IN  |
| BY REPRESENTATIVE R. SMITH       | SENATE AMENDMENT #1 |
| HOUSE BILL NO. 2241              | DO PASS             |
| BY REPRESENTATIVE NAPPER         |                     |
| HOUSE BILL NO. 2284              | DO PASS             |
| BY REPRESENTATIVE JACKSON        |                     |
| HOUSE BILL NO. 2291              | DO PASS             |
| BY REPRESENTATIVE SCROGGIN       |                     |
| HOUSE BILL NO. 2373              | DO PASS             |
| BY REPRESENTATIVE LAMOUREUX      |                     |

COMMITTEE REPORT (continued)

|                                      |                        |
|--------------------------------------|------------------------|
| HOUSE BILL NO. 2427                  | DO PASS                |
| BY REPRESENTATIVE BOYD               |                        |
| HOUSE BILL NO. 2440                  | DO PASS                |
| BY REPRESENTATIVE STOVALL            |                        |
| HOUSE BILL NO. 2484                  | DO PASS                |
| BY REPRESENTATIVE BRIGHT             |                        |
| HOUSE BILL NO. 2486                  | DO PASS                |
| BY REPRESENTATIVE J. JOHNSON         |                        |
| HOUSE BILL NO. 2489                  | DO PASS                |
| BY REPRESENTATIVE CHILDERS           |                        |
| HOUSE BILL NO. 2615                  | DO PASS AS AMENDED #1  |
| BY REPRESENTATIVE NORTON             |                        |
| HOUSE BILL NO. 2820                  | DO PASS AS AMENDED #1, |
| BY REPRESENTATIVE MEDLEY             | NON-CONTROVERSIAL      |
| HOUSE BILL NO. 2823                  | DO PASS                |
| BY REPRESENTATIVE MEDLEY             | NON-CONTROVERSIAL      |
| HOUSE RESOLUTION NO. 1021            | DO PASS                |
| BY REPRESENTATIVE PARKS              |                        |
| HOUSE CONCURRENT RESOLUTION NO. 1023 | DO PASS                |
| BY REPRESENTATIVE LEWELLEN           |                        |
| SENATE BILL NO. 150                  | DO PASS                |
| BY SENATOR WILKINSON                 |                        |
| SENATE BILL NO. 392                  | DO PASS                |
| BY SENATOR MADISON                   |                        |
| SENATE BILL NO. 434                  | DO PASS                |
| BY SENATOR CRITCHER                  |                        |
| SENATE BILL NO. 692                  | DO PASS                |
| BY SENATOR WOMACK                    | NON-CONTROVERSIAL      |
| SENATE CONCURRENT RESOLUTION NO. 18  | DO PASS                |
| BY SENATOR WOMACK                    |                        |
| SENATE CONCURRENT RESOLUTION NO. 26  | DO PASS                |
| BY SENATOR WOMACK                    |                        |

COMMITTEE REPORT

|  |                                  |
|--|----------------------------------|
|  | March 20, 2003                   |
| REVENUE AND TAXATION                     | BOYD HICKINBOTHAM<br>CHAIRPERSON |
| SENATE BILL NO. 331<br>BY SENATOR MILLER | DO PASS                          |
| SENATE BILL NO. 332<br>BY SENATOR MILLER | DO PASS                          |
| SENATE BILL NO. 335<br>BY SENATOR MILLER | DO PASS                          |
| SENATE BILL NO. 350<br>BY SENATOR GLOVER | DO PASS                          |
| SENATE BILL NO. 351<br>BY SENATOR GLOVER | DO PASS                          |
| SENATE BILL NO. 432<br>BY SENATOR CAPPS  | DO PASS                          |

COMMITTEE REPORT

|  |                              |
|--|------------------------------|
|  | March 20, 2003               |
| PUBLIC TRANSPORTATION                            | JOHNNIE BOLIN<br>CHAIRPERSON |
| HOUSE BILL NO. 1647<br>BY REPRESENTATIVE ORMOND  | DO PASS                      |
| HOUSE BILL NO. 2399<br>BY REPRESENTATIVE ROEBUCK | DO PASS AS AMENDED #1        |

Upon motion of Representative Napper, **HOUSE BILL NO. 2720** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2720

Amend **HOUSE BILL NO. 2720** as engrossed, H3/14/03:

Page 3, line 8, delete "this subdivision (b) (3) (c)" and substitute "§§ 4-75-212, 4-75-213, 4-75-214, 4-75-215, or 4-75-216"

AND

Page 7, lines 6 and 7, delete "this subdivision (b) (3) (c)" and substitute "§§ 4-75-315 through 4-75-321"

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 2833** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2833**

Amend **HOUSE BILL NO. 2833** as originally introduced:

Delete everything after the enactment clause and substitute the following:

“SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 1 is amended to add a new section to read as follows:

23-79-151. Notice required prior to expiration of workers' compensation, professional liability, and other insurance policies.

(a)(1) This section shall apply to workers' compensation insurance, employers' liability insurance, professional liability insurance, including medical malpractice insurance, and any other line of property and casualty insurance on commercial risks.

(2) However, this section shall not apply to:

(A) Reinsurance;

(B) Insurance against loss of or damage to aircraft, aircraft hulls, accessories, or equipment;

(C) Liability arising out of the ownership, maintenance, or use of aircraft;

(D) Ocean marine, foreign trade insurance, or title insurance;

(E) Surety or fidelity insurance;

(F) Credit insurance; and

(G) Large commercial risks.

(3) When an insurer writing insurance as provided in subdivision (a)(1) of this section revises its rates or rules and the revision results in a premium increase equal to or greater than twenty-five percent (25%) on any renewal policy issued for a term of twelve (12) months or less, the insurer shall mail or deliver to the insured's agent not less than sixty (60) days prior to the effective date of renewal, and to the insured not less than thirty (30) days prior to the effective date of renewal, notice specifically stating the insurer's intention to increase the premium by an amount equal to or greater than twenty-five percent (25%).

(4)(A) If the insurer does not provide notice as stated in subdivision (a)(3) of this section, the insurer is required to extend the existing policy sixty (60) days from the date the notice is mailed or delivered.

(B) The premium for the policy as extended under subdivision (a)(1)(4)(A) of this section shall be no more than the pro rata premium of the existing policy.

(b) Except in the case of nonpayment of premium, an insurer shall renew a policy, unless a written notice of nonrenewal is mailed at least sixty (60) days prior to the expiration date of the policy or, for a policy for a term longer than one (1) year and not having a fixed expiration date, sixty (60) days prior to the anniversary date.

SECTION 2. Arkansas Code Title 23, Chapter 88, Subchapter 1, is amended to add a new section to read as follows:

23-88-104. Notice required prior to expiration of property insurance policy.

(a) Except for nonpayment of premium, the insurer shall give either a written notice of nonrenewal or an offer of renewal at least thirty (30) days prior to the expiration of the policy's existing term.

(b) The insurer shall send the insured a written notice and the insurance producer written or electronic notice of the offer of renewal under subsection (a) indicating the new premium and providing a description of any change in deductible or policy provision in the renewal policy.

SECTION 3. Arkansas Code § 23-89-305 is amended to read as follows:

23-89-305. Notice of required prior to renewal or nonrenewal.

~~(a)(1) No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured at the address shown in the policy, at least twenty (20) days' notice of its intention not to renew and, unless it shall also mail or deliver to its agent serving the policy, at least thirty (30) days in advance of nonrenewal, a statement of the grounds for nonrenewal.~~ The insurer shall give either a written notice of nonrenewal or an offer of renewal at least thirty (30) days prior to the expiration of the policy's existing term.

(2) The insurer shall send the insured a written notice and the insurance producer written or electronic notice of the offer of renewal under subdivision (a)(1) indicating the new premium and providing a description of any change in deductible or policy provisions in the renewal policy.

(b)(1) This section shall not apply:

~~(A) If the insurer has manifested its willingness to renew; or~~

~~(B) In in case of nonpayment of premium.~~

(2) However, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

(c) Unless a statement of the grounds for nonrenewal accompanies or is included in the notice of nonrenewal, the notice of nonrenewal shall state or be accompanied by a statement that, upon written request of the named insured mailed or delivered to the insurer not less than fifteen (15) days prior to the effective date of the nonrenewal, the insurer shall specify the grounds for the nonrenewal.

(d) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of the renewal.”

/s/ Steve Napper

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Biggs, **HOUSE BILL NO. 2813** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2813**

Amend **HOUSE BILL NO. 2813** as originally introduced:

Delete everything after the enactment clause and substitute the following:

SECTION 1. Arkansas Code § 9-14-504(a), concerning health insurance for minor children provided by custodial and noncustodial parents, is amended to read as follows:

(a) Any insurer, health maintenance organization, self-funded group, multiple-employer welfare arrangement, or hospital or medical services corporation operating in this state shall receive claims for payment, respond to requests concerning information necessary to determine coverage status, claims status, and health policy plan, or benefits, for minor children or to obtain benefits through such coverage for minor children, and otherwise communicate with the custodial parent or the noncustodial parent of the minor child or children, an assignee, or the Office of Child Support Enforcement, without regard to the fact that such coverage may be through a policy benefiting the noncustodial parent of such child or children.

SECTION 2. Effective January 1, 2004, Arkansas Code § 11-9-303 is amended to read as follows:

11-9-303. Payment of tax by carrier.

(a) In addition to the premium taxes collected from carriers, the carriers shall pay annually to the Workers' Compensation Commission a tax, at the rate to be determined as provided in § 11-9-306 but not to exceed three percent (3%), on all written manual premiums resulting from the writing of workers' compensation insurance on risks within the state.

(b) "Written manual premium" shall mean premium produced in a given year by the manual rates in effect during the experience period and shall exclude the premium produced by the expense constant. Furthermore, "written manual premium", for the purpose of this chapter, means premium before any allowable deviated discounts, any experience rating modification, any premium discount, any reinsurance or deductible arrangement as common with fronting carriers, any dividend consideration, or other trade discount.

(c)(1) This tax shall be collected by the ~~Insurance Commissioner~~ Workers' Compensation Commission from the carriers at the same time and in the same manner as other premium taxes are collected by the Insurance Commissioner, ~~provided in~~ under the premium tax sections of the law of this state, and shall be deposited into the funds created in § 11-9-301.

(2) This transfer from the funds created in § 11-9-301 shall be in the same proportions that deposits were made into the three (3) funds as set forth in § 11-9-306(a)-(c).

(d) Assessments upon which premium taxes are based shall be made on forms prescribed ~~jointly by the Insurance Commissioner and~~ by the Workers' Compensation Commission.

SECTION 3. Effective January 1, 2004, Arkansas Code § 11-9-305 is amended to read as follows:

11-9-305. Payment of tax by public employer.

(a)(1) It shall be the duty of the Workers' Compensation Commission to collect a tax from every public employer providing workers' compensation coverage to its employees at a rate to be determined as provided by § 11-9-306 but not to exceed three percent (3%) of the written manual premium which an insurance carrier would have to pay under § 11-9-303 if the public employer were insured by a carrier.

(2)(A) ~~The Public Employee Claims Division, or its successor agency,~~ Workers' Compensation Commission shall collect and tabulate the tax to be collected from ~~public employers and furnish the tabulated information to the commission, together with four (4) separate payments representing the tax collected~~ from each of the four (4) categories of public employers: the state; the counties; the municipalities; and the school districts.

(B) In tabulating the manual premium, a public employer shall use the average compensation rate for this state as promulgated by the National Council on Compensation Insurance for the tax year in question.

(3) The tax collected shall be deposited in and paid to the commission from the Workers' Compensation Revolving Fund and miscellaneous revolving funds.

(b)(1) In the event any public employer fails to cooperate in furnishing information upon which the tax will be computed or fails to pay the tax within thirty (30) days of the date provided in § 11-9-306, the ~~Director of the Public Employee Claims Division~~ commission shall notify the ~~commission~~ Director of the Public Employees Claims Division of the failure, and the commission shall decertify the public employer from participation in the state's workers' compensation program.

(2) In the event of decertification, the public employer shall obtain its employer's workers' compensation liability coverage from the private market and shall not be entitled to participate in the state's workers' compensation program for a period of one (1) year thereafter.

(c) The procedure for decertification shall be the same as for the revocation or termination of the self-insurer privilege.

~~(d) [Repealed.]~~

SECTION 4. Effective January 1, 2004, Arkansas Code § 11-9-306 is amended to read as follows:

11-9-306. Certification of surplus and rate of taxation.

(a)(1) The Workers' Compensation Commission, on or before December 31 of each year, shall certify ~~to the Insurance Commissioner~~ the surplus, if any, in the Workers' Compensation Fund, together with the additional amounts necessary to properly administer this chapter for the ensuing year.

(2) The commission shall state in the certification the rate of taxation for collections for that year on or before March 1 of the following year.

(b)(1) The commission, on or before December 31 of each year, shall certify ~~to the Insurance Commissioner~~ the surplus, if any, in the Second Injury Trust Fund, together with the additional amounts necessary to properly administer this chapter for the ensuing year.

(2) The commission shall state in the certification the rate of taxation for collections for that year on or before March 1 of the following year.

(c)(1) The commission, on or before December 31 of each year, shall certify ~~to the Insurance Commissioner~~ the surplus, if any, in the Death and Permanent Total Disability Trust Fund, together with the additional amounts necessary to properly administer this chapter for the ensuing year.

(2) The commission shall state in the certification the rate of taxation for collections for that year on or before March 1 of the following year.

(d) The total rate of taxation for all three (3) funds when added together shall not exceed three percent (3%).

(e)(1) The ~~Insurance Commissioner~~ commission shall notify each insurance carrier of the rate of taxation applicable to each fund for the preceding year, and taxes shall be computed and paid pursuant to the provisions of § 11-9-303(c) on or before April 1 of the following year.

(2) The commission shall notify each self-insured employer subject to the tax as to the rate of taxation applicable to each fund for the preceding year, and taxes shall be computed by the commission and paid to each fund by the self-insurer through payments made directly to the commission on or before April 1 of the following year.

(3) The commission shall also notify each public employer subject to this tax ~~by notifying the Public Employee Claims Division, or its successor agency,~~ of the rate of taxation applicable to each fund for the preceding year, and taxes shall be computed by the division and paid to each respective fund by the public employer through payments made directly to the commission on or before April 1 of the following year.

(f) The commission, ~~in cooperation with the Insurance Commissioner,~~ shall have the authority to promulgate rules or regulations for administration of the assessment and tax collection process, including, but not limited to, rules and regulations applicable to the funds established in § 11-9-301.

(g) No later than March 30, 2004, and no later than March 30 each year thereafter, the commission shall provide to the Insurance Commissioner a complete listing of Workers' Compensation premium tax collections by year, by name of workers' compensation carrier, by National Association of Insurance Commissioners number, and disclosing the monetary amount of the Workers' Compensation premium tax paid for the preceding calendar year.

SECTION 5. Arkansas Code § 11-9-409(d)(1), concerning Workers' Compensation insurers' accident prevention services, is amended to read as follows:

(1) Any insurance company desiring to write workers' compensation insurance in Arkansas shall maintain or provide accident prevention services as a prerequisite ~~for a license~~ to write such insurance. Such services shall be adequate to furnish accident prevention programs required by the nature of its policyholders' operations and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene, and industrial health services to implement the program of accident prevention services.

SECTION 6. Arkansas Code § 17-19-111 is amended to read as follows:

17-19-111. Fees.

(a) Notwithstanding any other provisions of this chapter to the contrary, and notwithstanding any other provisions of Arkansas law to the contrary, beginning July 1, 2003, professional bail bond companies are hereby required to charge, collect, and remit the following fees for direct deposit as special revenues into the ~~State Insurance Department Trust Fund~~ Bail Bondsman Board Fund for the support, personnel, maintenance, and operations of the ~~State Insurance Department,~~ Arkansas Professional Bail Bond Company and Professional Bail Bondsman Licensing Board in addition to any other fees, taxes, premium taxes, levies, or other assessments imposed in connection with the issuance of bail bonds by professional bail bond companies under Arkansas law.

(b)(1) In addition to the bail or appearance bond premium or compensation allowed under § 17-19-301, each licensed professional bail bond company shall charge and collect as a nonrefundable fee for the fund an additional ten dollar (\$10.00) fee per bail bond for giving bond for each and every bail and appearance bond issued by the licensed professional bail bond company by or through its individual licensees.

(2) The fees shall be collected quarterly and then reported and filed with the ~~Insurance Commissioner~~ board no later than fifteen (15) calendar days after the end of each quarter.

(3) The notarized quarterly reporting form and a notarized annual reconciliation form as to all fees collected for the fund shall be filed by each professional bail bond company on forms prescribed by the ~~commissioner~~ board and at the times and in the manner as the ~~commissioner~~ board shall prescribe in conformity with this section.

(4) A paper-processing charge of fifteen dollars (\$15.00) shall be collected on each bail bond in order to defray the surety's costs incurred by the quarterly and annual reporting requirements contained herein and to further defray the surety's costs incurred in the collection of all fees due, owing, and collected on behalf of the fund and the surety's costs incurred in the preparation of all required reports submitted in conformance with the standards established by the American Institute of Certified Public Accountants.

(c)(1) The ~~commissioner~~ Executive Director or other board designee may, in his or her discretion, grant an extension for the filing of the report and fees for good cause shown upon timely written request.

(2) Absent an extension for good cause shown, each licensed professional bail bond company failing to report or pay these fees shall be liable to the fund for a monetary penalty of one hundred dollars (\$100) per day for each day of delinquency.

(3) The ~~commissioner~~ board may pursue any appropriate legal remedies on behalf of the fund to collect any delinquent fees and penalties owed as special revenues.

(d)(1) Upon collection of the fees and any monetary penalties, the ~~commissioner~~ board shall deposit all fees and penalties directly into the fund as special revenues.

(2) The fees and penalties shall be in addition to all other fees, licensure or registration fees, taxes, assessments, levies, or penalties payable to any federal or state office, court, agency, board, or commission or other public official or officer of the state, or its political subdivisions, including counties, cities, or municipalities, by professional bail bond companies.

(3)(A) Each individual bail bondsman is required to assist in collection of the fees, but is exempt from the duty and responsibility of payment of the fees to the fund unless he or she misappropriates or converts such moneys to his or her own use or to the use of others not entitled to the fees.

(B) In that case, the ~~commissioner~~ board shall proceed on behalf of the fund with any civil or criminal remedies at his or her disposal against the individual responsible.

(C) Upon criminal conviction of the individual responsible for fraudulent conversion of the moneys due the fund the individual responsible shall pay restitution to the ~~trust~~ fund, and the court shall incorporate a finding to that effect in its order.

(D) Absent substantial evidence to the contrary, the violations of the individual may be attributed to the employing bail bond company, and any criminal or civil court may, in its discretion and upon substantial evidence, order the employing bail bond company to pay restitution to the fund on behalf of the responsible individual and shall incorporate that finding into its order.

(e) For purposes of any statutory security deposit Arkansas law requires of professional bail bond companies, including, but not limited to, the deposit under § 17-19-205, the payment of the fees required by this section is considered to be a duty of the licensee, so as to allow the ~~commissioner~~ board on behalf of the fund to make a claim against any such deposit for the fees required by this section and any penalties owed thereon, up to the limit of any security deposit.

(f) Under no circumstances shall the fees or penalties thereon held in or for deposit into the fund as special revenues be subject to any tax, levy, or assessment of any kind, including, but not limited to, any bond forfeiture claims, any garnishment or general creditors' claims, any remedies under title 19 of this Code, or other provisions of Arkansas law.

(g)(4) At the beginning of each fiscal year, the ~~department~~ board shall certify to the Chief Fiscal Officer of the State an amount sufficient to provide for personal services and operating expenses of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

~~(2) The Chief Fiscal Officer of the State shall then transfer the certified amount from the State Insurance Department Trust Fund to the Bail Bondsman Board Fund.~~

SECTION 7. Arkansas Code § 17-19-301(d) and (e), concerning bail bond premiums, are amended to read as follows:

(d)(1)(A) In addition to the ten percent (10%) bail or appearance bond premium or compensation allowed in subsection (a) of this section, and commencing on ~~April 1, 1993,~~ July 1, 2003, each licensed professional bail bond company shall charge and collect as a nonrefundable administrative and regulatory fee for the ~~State Insurance Department Trust Fund~~ Bail Bondsman Board Fund an additional ten dollars (\$10.00) per bond fee for giving bond for each and every bail and appearance bond issued by the licensed professional bail bond company by or through its individual licensees.

(B) The administrative and regulatory fees payable by these companies to the fund for the support and operation of the ~~department,~~ board, and collected by the bail bond companies as required by this section, shall be reported and filed with the ~~Insurance Commissioner~~ board no later than fifteen (15) calendar days after the end of each calendar quarter, contemporaneous with the professional bail bond company's filing of its quarterly bail bond report with the ~~department~~ board.

(C) A notarized annual reconciliation of all such fees collected in the preceding calendar year for the fund shall be filed by each licensed professional bail bond company at a time and on forms prescribed by the ~~commissioner~~ board.

(D) The ~~commissioner~~ executive director of the board may in his or her discretion grant an extension for good cause shown upon timely written request.

(E) In no event shall the administrative and regulatory fees payable by the bail bond companies to the fund exceed ten dollars (\$10.00) per bond, as required by this subchapter, exclusive of statutory licensure fees elsewhere in this chapter.

(2)(A) Absent an extension the ~~commissioner~~ executive director granted for good cause to a company and in addition to any license suspension or revocation, the ~~commissioner may in his or her~~ board may in its discretion order after notice and a hearing a professional bail bond company failing timely to report or pay the regulatory fee to the fund by and through the ~~commissioner~~ board shall be liable to the fund for a monetary penalty of one hundred dollars (\$100) per day for each day of delinquency.

(B) The ~~commissioner~~ board may pursue any appropriate legal remedies on behalf of the fund to collect any delinquent fees and penalties owed pursuant to this section as special revenues to the fund.

(3) Upon collection of the regulatory fees and any monetary penalties payable to the fund and assessed under this section, the ~~commissioner~~ board shall deposit all fees and penalties directly into the fund as special revenues.

(4)(A) Upon failure of the bail bond company to remit the fees timely, the ~~commissioner~~ board may pursue civil legal remedies against the noncomplying bail bond company on behalf of the fund to recover the balance of the fees and any penalties owed.

(B) In its discretion, the board may also fine, or suspend or revoke the license of, any professional bail bond company failing to remit or pay timely the fees required by this section.

(5)(A) Other than sole proprietors licensed as professional bail bond companies, individual bail bondsmen are exempt from the duty and responsibility of payment of the administrative and regulatory fees to the fund, except that the individual licenses of such individual employees of the professional bail bond company may be suspended or revoked by the ~~commissioner~~ board pursuant to the administrative procedures provided in this chapter if the individual licensee fails to comply with his or her duties in proper collection of the bail bond premiums earmarked for later payment to the fund pursuant to this subsection, if he or she converts such moneys to his or her own use, or commits other infractions in regard to collection of such premium amounts.

(B) In those instances, the violations of the individual may in the ~~commissioner's~~ board's discretion be attributed to the employing professional bail bond company for good cause shown, and its license may be sanctioned by the ~~commissioner~~ board pursuant to the administrative procedures provided in this chapter.

(C) Further, upon criminal conviction of the individual bondsman for theft of property in connection with fraudulent conversion of those premium amounts due the fund, the board shall revoke the individual's license, and in its discretion fine, or suspend or revoke the license of, the employing professional bail bond company if it assisted the individual in such fraudulent conduct.

(6)(A) For purposes of § 17-19-205 requiring the professional bail bond company's deposit of a letter of credit or certificate of deposit for the faithful performance of its duties, the company's payment of the administrative and regulatory fee as required by this subsection shall be considered to be and shall be a duty of the licensee so as to allow the ~~commissioner~~ board to make a claim against the security deposit required in § 17-19-205 on behalf of the fund for the balance of any owed and unpaid administrative and regulatory fees the professional bail bond company still owes to the fund, and the ~~commissioner~~ board shall promptly proceed to make claims against such security deposits on behalf of the fund, up to the limit of the company's deposit for any remaining fee balance due, in the manner provided in this subchapter for any claim against the deposit required herein.

(B) Under no circumstances shall such deposits held for the fund, or fees or any moneys deposited into the fund be subject to any levy or assessment of any kind, including forfeiture claims, misconduct claims, or general creditor claims of the bail bond company, subject to garnishment or other creditors' remedies under Title 19 or other provisions of Arkansas law.

(e) The administrative and regulatory fees imposed on professional bail bond companies under this section shall be in addition to all other fees, taxes and assessments, and penalties licensed professional bail bond companies pay the State of Arkansas through the ~~department~~ board or other state agencies under other laws.

SECTION 8. Arkansas Code § 19-5-922(b), concerning special revenues transferred to fund the State Insurance Department Trust Fund, is amended to read as follows:

(b) Such fund shall consist of those special revenues as specified in § 19-6-301(172), ~~the first \$100,000 of workers' compensation premium taxes transferred from the various funds created in § 11-9-301 as provided in § 11-9-303(e), grants, refunds, gifts, and any remaining funds of the Arkansas Earthquake Authority as provided in § 23-102-119 and examination of insurers payments as set out in §§ 23-61-201 - 23-61-206, there to be used to defray the expenses of the State Insurance Department in the discharge of its administrative and regulatory powers and duties as prescribed by law and as set out in § 23-61-701 et seq.~~

SECTION 9. Arkansas Code § 19-5-1088 is amended to read as follows:

19-5-1088. Bail Bondsman Board Fund.

There is hereby established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as the Bail Bondsman Board Fund. This fund shall consist of those moneys ~~transferred from the State Insurance Department Trust Fund~~ deposited directly into the Bail Bondsman Board Fund by the Arkansas Professional Bail Bond Company and Professional Bail Bondsman Licensing Board from licensee fee collections, beginning July 1, 2003; and other moneys, including ~~from~~ the collection of fees, there to be used exclusively for the operation of the ~~Professional Bail Bondsman Licensing Board~~ board.

SECTION 10. Arkansas Code § 21-2-704(b), concerning claims covered by the Governmental Bonding Board, is amended to read as follows:

(b)(1) The fidelity bond coverage provided by the Self-Insured Fidelity Bond Program shall cover actual losses sustained by the participating governmental entities as defined in § 21-2-702 through any fraudulent or dishonest act or acts committed by any of the officials or employees of the participating governmental entity, acting alone or in collusion with others, during the bond period to an amount not exceeding the lesser of three hundred thousand dollars (\$300,000) or the amount of the bond.

(2) Coverage for loss of property other than money and securities shall be limited to the actual cash value of the property on the day the loss was discovered.

(3) No coverage shall be provided for and no monetary benefits shall be paid for any claim in which a participating governmental entity, through fraudulent means, takes money or other property from another participating governmental entity.

SECTION 11. Arkansas Code § 21-2-705(b)(2), concerning the payment of per diem and mileage of the Governmental Bonding Board, is amended to read as follows:

(b)(2) The expense reimbursement of members of the board shall be paid ~~by the Department of Insurance from funds specifically appropriated to the department for that purpose or from other funds available to the department for paying expense reimbursement from the Fidelity Bond Trust Fund.~~

SECTION 12. Arkansas Code § 21-2-709 is amended to read as follows:

21-2-709. Determination of coverage – Assignment of rights.

(a)(1)(A) Upon the receipt of the proof of loss from the Legislative Auditor, the board shall determine whether the loss is covered under the Self-Insured Fidelity Bond Program.

(B) The board may withhold claim determination and payments until the investigation in each case has been completed and all information deemed necessary for determination of coverage under the Self-Insured Fidelity Bond Program has been received.

(C) Coverage will be provided only for losses disclosed in audits as defined in § 21-2-702.

(2)(A) If the board determines that the loss is covered under the program, the Insurance Commissioner shall authorize fidelity bond loss payments from the fund to the participating governmental entity on a timely basis.

(B) The board shall provide a timely explanation of payments and denial of losses to the Legislative Auditor and to the participating governmental entity.

(3) All vouchers for bond claim payments shall include as supporting documents a copy of the payment recommendation by the State Risk Manager and a copy of the proof of loss from the Legislative Auditor.

(4) Any loss payment may be adjusted by any applicable deductibles, restitution, or coinsurance payments.

~~(b)(1) Upon fidelity bond loss payment from the fund, the recipients of the loss payment shall, to the extent of the payment, assign to the fund all rights and claims that they may have against the official, officer, or employee involved. Before any bond loss payment is issued from the fund, the recipient of the bond loss payment shall sign and return a transfer of rights form, assigning to the fund, to the extent of payment, all rights and claims that the recipient may have against the official, officer, or employee involved. The fund shall be subrogated to all of the rights of the recipients of the fidelity bond loss payment to the extent of the payment.~~

(2) If the participating governmental entity shall sustain any loss which exceeds the amount of indemnity provided by the Fidelity Bond Program, the governmental entity shall be entitled to all recoveries, except from suretyship, insurance, reinsurance, security, or indemnity taken by or for the benefit of the Fidelity Bond Program, by whomever made, on account of such loss until fully reimbursed, less the amount of the deductible and coinsurance; and any remainder shall be applied to reimbursement of the Fidelity Bond Program.

(3) If a participating governmental entity fails to pay over amounts due the Fidelity Bond Program under these provisions, the Governmental Bonding Board may, at its discretion, deduct any amounts due from future bond loss payments due the applicable participating governmental entity or from any treasury funds of the applicable participating governmental entity.

~~(c) The Insurance Commissioner shall timely notify the Legislative Auditor if the board determines that the loss is not covered under the Fidelity Bond Program.~~

SECTION 13. Arkansas Code § 21-2-710 is amended to read as follows:

21-2-710. Premium Billing certification – Payment ~~and deposit~~.

~~(a)~~ The board, with the assistance of the State Insurance Department, shall:

(1)(A) Prepare a billing certification to be remitted to the Department of Finance and Administration. Upon receipt of this certification, the Director of the Department of Finance and Administration shall pay it from funds specifically appropriated for it by the General Assembly or from other funds available therefore;

(B) Funds so appropriated or otherwise made available for this purpose shall not be subject to reduction as a result of any shortfall of projected revenues, for premiums for fidelity bonds for state public officials and employees and state officers and employees;

(2) Prepare a billing certification to be remitted to the Chief Fiscal Officer of the State who shall pay it from funds withheld from the County Aid Fund which are due each county participating in the Self-Insured Fidelity Bond Program for premiums for fidelity bonds for county public officials and employees;

(3) Prepare a billing certification to be remitted to the Chief Fiscal Officer of the State who shall pay it from funds withheld from the Municipal Aid Fund which are due each municipality participating in the Self-Insured Fidelity Bond Program for premiums for fidelity bonds for municipal public officials and employees; and

(4) Prepare a billing certification to be remitted to the Chief Fiscal Officer of the State who shall pay the same from funds withheld from the Public School Fund which are due each school district participating in the Self-Insured Fidelity Bond Program for premiums for fidelity bonds for school district officials and employees.

~~(b) Upon receipt of these funds, the commissioner shall deposit them in the fund created in § 21-2-711.~~

SECTION 14. Arkansas Code § 21-2-711, concerning Governmental Bonding Board funds and expenditures, is amended to read as follows:

21-2-711. Fidelity Bond Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a separate fund to be known as the Fidelity Bond Trust Fund.

(b)(1) No money shall be appropriated from this fund for any purpose except for the use and benefit of participating governmental entities for bond claims, board members travel, and for ~~board~~ other expenses including, but not limited to, actuarial, consultant, and service contract fees.

(2) The fund established in this section shall be administered by and disbursed at the direction of the board.

(c)(1)(A) The assets of the fund may be invested and reinvested as the board may determine with the advice of the State Board of Finance.

(B) All incomes derived through investment of the fund as established herein shall be credited, as investment income, to the fund.

(C) For the purposes of investment, fund moneys invested and interest earned thereon shall be administered as trust funds pursuant to the provisions of § 19-3-219(a).

(2) Further, all moneys deposited to the fund shall not be subject to any deduction, tax, levy, or any other type of assessment.

(d) ~~The bond premiums collected by the board under the provisions of this subchapter~~ All moneys received by the board for the Fidelity Bond Program, including premiums collected by the board under this subchapter, restitution, interest payments, grants and gifts, and refunds shall be deposited in the fund created in subsection (a) of this section.

SECTION 15. Arkansas Code § 23-61-107(a), concerning records maintained in the Insurance Commissioner's office, is amended to read as follows:

(a)(1) The Insurance Commissioner shall enter, in permanent form, records of his or her official transactions, examinations, investigations, and proceedings and keep these records in his or her office.

(2)(A) These records and insurance filings in his or her office shall be open to public inspection, except as otherwise provided in the Arkansas Insurance Code with respect to particular records or filings.

(B) The commissioner may establish a retention-destruction schedule for records of his or her office, in order to dispose of hard copy and electronic copy records five (5) years after receipt or creation, or two (2) years after hard copy records have been reduced to electronically imaged records for retention until proper disposition; except for State Insurance Department records whose retention or destruction is subject to other applicable provisions of Arkansas law.

(C) The commissioner may dispose of consumer complaint records in the five-year cycle under (a)(2)(B) of this section.

(D) The commissioner may adopt rules and regulations governing records maintenance and destruction in accordance with this and other applicable provisions of Arkansas law.

(3) Confidential data and reports provided to the commissioner by the National Association of Insurance Commissioners, including, but not limited to, insurers' Insurance Regulatory Information System ratios and examiner team synopses, shall be deemed privileged communications. These data and reports shall not be open to public inspection and shall not be admissible in evidence in any action or proceeding, other than those brought by the commissioner, nor shall any insurers, agents, or brokers, which may be the subject of the confidential reports, have a cause of action against the commissioner or his or her deputies, examiners, assistants, or employees or against the National Association of Insurance Commissioners, or its members, subscribers, officers, directors, assistants, or employees by reason of the furnishing of any such information to the commissioner.

(4) The commissioner shall maintain as confidential, and not subject to subpoena, financial information regarding material transactions of insurers, as defined in § 23-63-1403 or other applicable laws or regulations promulgated by the commissioner.

(5)(A) In order to assist in the performance of the commissioner's duties, the commissioner may:

(i) Share documents, materials, or other information, including confidential and privileged documents, materials, or information, with other state, federal, and international regulatory and legislative agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, ~~and~~ with state, federal, and international law enforcement authorities, and the Arkansas Life and Health Insurance Guaranty Association and the Arkansas Property and Casualty Advisory Association, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication, or other information;

(ii) Receive documents, materials, communications, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, ~~and~~ from regulatory, legislative, and law enforcement officials of other foreign, alien, or domestic jurisdictions, and the Arkansas Life and Health Insurance Guaranty Association and the Arkansas Property and Casualty Advisory Association, and shall maintain as confidential or privileged any documents, materials, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(iii) Enter into agreements governing sharing and use of information consistent with this subsection.

(B) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized by this subsection.

(C) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, this state.

SECTION 16. Arkansas Code § 23-61-205(a)(2), concerning adoption of insurer examination reports issued by the Commissioner, is amended to read as follows:

(2) No later than sixty (60) days following completion of the examination, the examiner in charge shall file with the State Insurance Department a verified written report of the examination under oath. Upon receipt of the verified report, the department shall transmit the report to the company examined, together with a notice which shall afford the company examined a reasonable opportunity of not more than ~~twenty (20)~~ thirty (30) days to make a written submission or rebuttal with respect to any matters contained in the examination report.

SECTION 17. Arkansas Code § 23-61-205(c), concerning the distribution of confidential Department examination reports to insurers, is amended to read as follows:

(c) Upon the adoption of the examination report under subdivision (a)(3)(A) of this section, the commissioner shall continue to hold the content of the examination report as private and confidential information for a period of thirty (30) days from the date the company received, by United States mail, the order issued by the commissioner to adopt the examination report, except to the extent provided in subdivision (a)(2) of this section. Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

SECTION 18. Arkansas Code § 23-61-711 is amended to read as follows:

23-61-711. Fees additional to all others currently payable – Exception.

The fees assessed or imposed by this subchapter upon insurers, as defined or referenced in § 23-61-703, and the fees assessed or imposed in ~~§ 17-19-301 and §§ 23-61-706 - 23-61-709 upon professional bail bond companies,~~ insurers, insurance agents, brokers, and other licensees or registrants are imposed in addition to all other fees, assessments, premium and privilege taxes, penalties, and other such payments such licensees or registrants pay the State of Arkansas through the State Insurance Department ~~or other state or governmental agencies~~ pursuant to applicable Arkansas laws, except that insurers' payments of these administrative and financial regulation fees in § 23-61-703 are expressly and in pertinent part to be paid in lieu of payment of department examiners' salaries, wages, and compensation due at or after each examination conducted on the insurer by the department's examiners pursuant to the provisions of § 23-61-201 et seq., and, in particular, § 23-61-206. Therefore, insurers shall still be liable for payment of and shall pay department examiners' expenses for food, lodging, and travel as directed under § 23-61-201 et seq.

SECTION 19. Arkansas Code § 23-62-204 is amended to read as follows:

23-62-204. Allowance of credit.

(a)(1) No credit shall be allowed, as an asset or a deduction from liability, to any ceding insurer for reinsurance unless the reinsurance contract provides, in substance, that if the ceding insurer becomes insolvent, the reinsurance is shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court, ~~the liability of the ceding insurer under the contracts reinsured~~ without diminution because of the insolvency of the ceding insurer.

(2) Payments under subsection (a)(1) of this section shall be made directly to the ceding insurer or to its domiciliary liquidator unless:

(A) The contract or other written agreement specifically provides another reinsurance payee if the insolvency of the ceding insurer; or

(B) The assuming insurer, with the consent of the direct insurer, has assumed the policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under the policy and as a substitute for the obligations of the ceding insurer to the payees.

(b)(1) Notwithstanding subsection (a) of this section, if a life and health insurance guaranty association has made the election to succeed to the rights and obligations of the insolvent insurer under the contract of reinsurance, then the reinsurer's liability to pay covered reinsured claims shall continue under the contract of reinsurance, subject to the payment to the reinsurer of the reinsurance premiums for the coverage.

(2) Payment for reinsured claims under this section shall only be made by the reinsurer under the direction of the guaranty association or its designated successor.

(3) Any payment made at the direction of the guaranty association or its designated successor by the reinsurer will discharge the reinsurer of all further liability to any other party for the claim payment.

(c)(1) A reinsurance agreement under this section may require the domiciliary liquidator of an insolvent ceding insurer to give written notice to the assuming insurer of the pendency of a claim against the ceding insurer on the contract reinsured within a reasonable time after the reinsurance claim is filed in the liquidation proceeding.

(2)(A) During the pendency of a reinsured claim under this section, any assuming insurer may investigate the claim and may interpose, at its own expense, in the proceeding in which the claim is to be adjudicated, any defenses that it deems available to the ceding insurer, or its liquidator.

(B) An assuming insurer's expense under subdivision (c) (2)(A) of this section may be filed as a claim against the insolvent ceding insurer to the extent of the proportionate share of the benefit that may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

(C) Where two (2) or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to the claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though the expense had been incurred by the ceding insurer.

SECTION 20. Arkansas Code § 23-62-305 is amended to read as follows:

23-62-305. Credit allowed a domestic ceding insurer.

(a)(1) Upon the insolvency of a non-United States insurer or reinsurer that provides security to fund its United States obligations in accordance with this subchapter:

(A) The assets representing the security shall be maintained in the United States and claims shall be filed with and valued by the state insurance commissioner with regulatory oversight; and

(B) The assets shall be distributed, in accordance with the insurance laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic United States insurance companies.

(2) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a ~~deduction~~ reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of this subchapter.

(3) Credit shall be allowed under subsections (b), (c), and (d) of this section only for cessions of those kinds or classes of business that the assuming insurer is licensed or otherwise permitted to write or assume:

(A) In its state of domicile; or

(B) In the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance.

(4) Credit shall be allowed under subsections (d) and (e) of this section only if requirements under subsection (g) of this section have been satisfied.

(b) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance in this state.

(c)(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state. An accredited reinsurer is one which:

~~(1)~~(A) Files with the Insurance Commissioner evidence of its submission to this state's jurisdiction;

~~(2)~~(B) Submits to this state's authority to examine its books and records;

~~(3)~~(C) Is licensed to transact insurance or reinsurance in at least one (1) state, or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state; and

~~(4)(D)~~ Files annually with the commissioner a copy of its annual statement filed with the insurance department of its state of domicile, or state of entry if an alien insurer, and a copy of its most recent audited financial statement; and ~~either~~:

~~(A)(i)~~ Maintains a surplus as regards policyholders in an amount ~~which is~~ not less than twenty million dollars (\$20,000,000) and whose accreditation has not been denied by the commissioner within ninety (90) days of its submission; or

~~(B)(ii)~~ Maintains a surplus as regards policyholders in an amount less than twenty million dollars (\$20,000,000) and whose accreditation has been approved by the commissioner.

~~(d)(2)~~ ~~No credit~~ Credit shall not be allowed a domestic ceding insurer, if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing.

~~(e)(d)(1)~~ Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is domiciled ~~and licensed~~ in, or in the case of a United States branch of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or United States branch of an alien assuming insurer:

~~(1)(A)~~ Maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000); and

~~(2)(B)~~ Submits to the authority of this state to examine its books and records.

~~(2)~~ ~~Provided, however, that the~~ The requirement of subdivision ~~(e)(1)(d)(1)~~ of this section does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

~~(f)(e)(1)~~ Credit shall be allowed when the reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution, as defined in § 23-62-307(b), for the payment of the valid claims of its United States ~~policyholders and~~ ceding insurers, their assigns and successors in interest. ~~The~~ To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners annual statement form by licensed insurers, ~~to enable the commissioner to determine the sufficiency of the trust fund. In the case of a single assuming insurer, the trust shall consist of a trustee account representing the~~

~~assuming insurer's liabilities attributable to business written in the United States and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than twenty million dollars (\$20,000,000). In the case of a group of incorporated and/or individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group. The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members, and the group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants. The assuming insurer shall submit to examination of its books and records by the commissioner and bear the expense of examination.~~

~~(2) In the case of a group of incorporated insurers under common administration which complies with the filing requirements contained in subdivision (f)(1) of this section and which has continuously transacted an insurance business outside the United States for at least three (3) years immediately prior to making application for accreditation, and submits to this state's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of ten billion dollars (\$10,000,000,000); the trust shall be in an amount equal to the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group; plus the group shall maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group as additional security for any such liabilities, and each member of the group shall make available to the commissioner an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant.~~

~~(3)(2)(A) Such trust shall be established in a form approved by the commissioner. Credit for reinsurance shall not be granted under this section unless the form of the trust and any amendments to the trust have been approved by:~~

~~(i) The commissioner of the state in which the trust is domiciled; or~~

~~(ii) The commissioner of another state who, under the terms of the trust instrument, has accepted principal regulatory oversight of the trust.~~

(B) The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the its trustees of the trust for the benefit of the assuming insurer's its United States ~~policyholders and~~ ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner.

(C) The trust described herein must shall remain in effect for as long as the assuming insurer ~~shall have~~ has outstanding obligations due under the reinsurance agreements subject to the trust. ~~(4)~~ No later than February 28 of each year, the trustees of the trust shall report to the commissioner in writing ~~setting forth~~ the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust ~~shall~~ will not expire prior to the ~~next~~-following December 31.

(3) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, and the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000).

(4)(A) In the case of a group including incorporated and individual unincorporated underwriters:

(i) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date beginning August 1, 1995, the trust shall consist of a trustee account in an amount not less than the group's several liabilities attributable to business ceded by United States domiciled ceding insurers to any member of the group;

(ii) Notwithstanding any other provision of this subchapter, for reinsurance ceded under reinsurance agreements with an inception date on or before July 31, 1995, and not amended or renewed after that date, the trust shall consist of a trustee account in an amount not less than the group's several insurance and reinsurance liabilities attributable to business written in the United States; and

(iii) In addition to these trusts, the group shall maintain in trust a trustee surplus of which one hundred thousand dollars (\$100,000) shall be held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account; and

(B)(i) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group, and shall be subject to the regulations and degree of solvency control by the group's domiciliary regulator as are the unincorporated members.

(ii) Within ninety (90) days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner:

(a) An annual certification by the group's domiciliary regulator of the solvency of each underwriter member; or

(b) If a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

~~(g)(f)~~ Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of ~~subsection~~ subsections (a), (b), (c), or (d) (b), (c), (d), or (e) of this section, but only ~~with respect as~~ as to the insurance of risks located in jurisdictions where ~~such the~~ reinsurance is required by applicable law or regulation of that jurisdiction.

~~(h)(g)~~ If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this state, the credit permitted by ~~subsections (e) and (g) (d) and (e)~~ subsections (d) and (e) of this section shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1)(A) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of ~~such the~~ the court or of any appellate court in the event of an appeal; and

(B) To designate the commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding company.

(2) This ~~provision section~~ section is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if ~~such an the arbitration~~ the arbitration obligation is created in the agreement.

(h) If the assuming insurer does not meet the requirements of subsections (b), (c), or (d) of this section, the credit permitted by subsection (e) of this section shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(1) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by subdivision (e)(3) of this section, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund.

(2) The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies.

(3) If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement.

(4) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this section.

SECTION 21. Arkansas Code § 23-62-306 is amended to read as follows:

23-62-306. Reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer.

(a) A An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of § 23-62-305 shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer, ~~and such~~ The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if ~~such~~ the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in § 23-62-307(b).

(b) This security may be in the form of:

- (1) Cash;
- (2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets;

(3)(A) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in § 23-62-307(a), effective no later than December 31 ~~in respect~~ of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement;

(B) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

(4) Any other form of security acceptable to the Insurance Commissioner.

SECTION 22. Arkansas Title 23, Chapter 63, Subchapter 1 is amended by adding an additional section to read as follows:

23-63-111. Consumer information system.

(a)(1) The Insurance Commissioner may utilize, develop, or cause to be developed a consumer information system that will provide and disseminate price and other relevant information on a readily available basis to purchasers of insurance in this state.

(2) The consumer information system may be developed by the State Insurance Department, in cooperation with other state insurance departments, through outside contracts, or in any other appropriate manner.

(3) To the extent deemed necessary and appropriate by the commissioner, licensed insurers, advisory organizations, fraternal benefit societies, health maintenance organizations, hospital and medical service corporations, farmers' mutual aid associations, and other persons or organizations involved in conducting the business of insurance in this state shall cooperate in the development and utilization of a consumer information system.

(b)(1) Any moneys assessed and received by the department for these consumer advocacy purposes under comparable prior laws and maintained by the commissioner in an account with the Arkansas State Treasury are to be used solely for the maintenance, operation, and support of the department in its role of providing consumer services and disseminating prices, and other relevant information to purchasers of insurance in this state.

(2) The commissioner may purchase items which are necessary to offer information on the department for public awareness, including advertising material on the Arkansas Insurance Department.

(3) No additional fees or assessments shall be imposed or collected to support the development or maintenance of a consumer information system under this section.

SECTION 23. Arkansas Code § 23-63-201(d)(1)(D)(ii), concerning statements required to be filed with the Insurance Commissioner by certain organization receiving charitable annuities, is amended to read as follows:

(ii) A statement certifying that it adopts and will adhere to the annuity rates as published from time to time by the ~~Committee on Gift Annuities of Dallas, Texas,~~ American Council on Gift Annuities or its successor, until such corporation or association advises the commissioner to the contrary in writing. At such latter time, the corporation or association shall then file a schedule of its new proposed maximum annuity rates for approval.

SECTION 24. Effective January 1, 2004, Arkansas Code § 23-63-205 is amended to read as follows:

23-63-205. Certificate of authority - Eligibility - Capital Funds.

(a)(1) ~~On and after January 1, 2002, to~~ To qualify for and maintain authority to transact any one (1) kind of insurance, as defined in §§ 23-62-101 - 23-62-108, or combination of kinds of insurance as shown in this subsection, an insurer applying for its original certificate of authority in Arkansas shall possess and maintain in cash and marketable securities unimpaired paid-in capital if the insurer is a domestic, foreign, or alien stock insurer or surplus if the insurer is a domestic, foreign or alien mutual, or domestic mutual legal reserve life insurer, or foreign or alien reciprocal insurer, in an amount not less than is applicable under the schedule below, and shall possess when first so authorized such additional funds as surplus as are required under § 23-63-207:

| Kinds of Insurance                          | Minimum Capital or Surplus Required |
|---|-------------------------------------|
| Life .....                                  | \$750,000                           |
| Accident and Health.....                    | 750,000                             |
| Life and Accident and Health.....           | 750,000                             |
| Property.....                               | 500,000                             |
| Casualty.....                               | 750,000                             |
| Surety.....                                 | 750,000                             |
| Marine.....                                 | 500,000                             |
| Title.....                                  | 250,000                             |
| Property, Casualty, Surety, and Marine..... | 750,000                             |
| <del>Combination of other lines.....</del>  | <del>750,000</del>                  |

(2)(A) As to any combination of kinds of insurance, other than combinations of kinds of insurance specifically listed in this subsection, the insurer shall possess the sum of the minimum capital or surplus required ~~by this subsection~~ by the Arkansas Insurance Code for the separate kinds of insurance it proposes to transact, unless the commissioner deems it sufficient for the applicant to possess and maintain the total amount of seven hundred and fifty thousand dollars (\$750,000) for the proposed combination of lines.

(B) If the Arkansas Insurance Code does not specify the minimum capital or surplus for any line of insurance, then the commissioner shall affix a minimum capital and surplus not less than five hundred thousand dollars (\$500,000).

(3) The Insurance Commissioner may require reinsurance on terms and in amounts as are reasonable under the circumstances for abstractor's professional liability insurance when written by title insurers.

(4) In his or her discretion, the commissioner may require the insurer to possess and maintain additional capital, if a stock insurer, and surplus, if a mutual or reciprocal insurer, in addition to that required by this section, based on the financial condition of the insurer or based on the types, volume, or nature of the business transacted by the insurer.

(b) An insurer holding a valid certificate of authority to transact insurance in this state immediately prior to January 1, 2002, may continue to be authorized to transact the same kinds of insurance as permitted by the certificate of authority by maintaining thereafter the same amount of paid-in capital stock, if the insurer is a stock insurer, or the amount of surplus, if the insurer is a mutual or reciprocal insurer, as required by the laws of this state for such an insurer immediately prior to January 1, 2002. However, the insurer shall not be granted authority to transact any other or additional kind of insurance, unless it then fully complies with the requirement as to capital and surplus, as applied to the kinds of insurance it then proposes to transact, as provided by this section with respect to insurers applying for original certificates of authority.

(c) Capital and surplus requirements shall be based upon all the kinds of insurance actually transacted or currently to be transacted by the insurer in any and all areas in which it operates, whether or not only a portion of the kinds are to be transacted in this state.

(d) As to surplus required for qualification to transact one (1) or more kinds of insurance and to be maintained, domestic mutual insurers, other than mutual life insurers, shall be governed by §§ 23-69-101 - 23-69-103, 23-69-105 - 23-69-141, 23-69-143, and 23-69-149 - 23-69-156, and domestic reciprocal insurers shall be governed by §§ 23-70-101 et seq.

(e) A life insurer may also grant annuities without additional capital or additional surplus.

(f) A casualty insurer may be authorized to transact also accident and health insurance without additional capital or additional surplus.

SECTION 25. Arkansas Code § 23-63-206(a)(1)(A)(ii), concerning insurer security deposits, is amended to read as follows:

(ii)(a) On and after January 1, 2002, the provisions of subdivision (a)(1)(A)(i) of this section shall apply only to domestic insurers licensed or hereafter licensed.

(b) Foreign and alien insurers licensed or hereafter licensed shall be exempt- upon filing of evidence of a satisfactory deposit in the state of domicile, Canada, Mexico, or port-of-entry state.

(c) Deposit releases will continue to be allowed after 2004.

SECTION 26. Arkansas Code § 23-63-206(a)(2)(A)(ii), concerning foreign insurer security deposits, is amended to read as follows:

(ii)(a) On and after January 1, 2002, the provisions of subdivision (a)(2)(A)(i) of this section shall apply only to domestic insurers licensed or hereafter licensed.

(b) Foreign and alien insurers licensed or hereafter licensed shall be exempt- upon filing of evidence of a satisfactory deposit in the state of domicile, Canada, Mexico, or port-of-entry state.

(c) Deposit releases will continue to be allowed after 2004.

SECTION 27. Arkansas Code § 23-63-206(a)(3)(D)(i), concerning deposit releases for foreign insurers, is amended to read as follows:

(D)(i) On and after January 1, 2002, the provisions of this subdivision (a)(3) shall apply only to domestic insurers licensed or hereafter licensed.

(ii) Foreign and alien insurers licensed or hereafter licensed shall be exempt- upon filing of evidence of a satisfactory deposit in the state of domicile, Canada, Mexico, or port-of-entry state.

(iii) Deposit releases will continue to be allowed after 2004.

SECTION 28. Arkansas Code § 23-63-206, concerning foreign insurer deposits, is amended to add a new subsection follows:

(c)(1) As of the effective date of this subsection, foreign and alien insurers seeking release permission must make a special filing with the commissioner to demonstrate the adequacy and sufficiency of the deposit in the state of domicile, Canada, Mexico, or port-of-entry state, in order to obtain release of deposited assets.

(2) Applicants under subdivision (c)(1) of this section shall agree to maintain deposits adequate to cover Arkansas deposit obligations at all times, by certificate of authority lines of insurance in this state as they are reflected on the Uniform Certificate of Authority Application and shall file with the commissioner an updated certificate of deposit issued by the insurance regulator in the state of domicile, Canada, Mexico, or port-of-entry state.

SECTION 29. Arkansas Code § 23-63-216(a)(1), concerning annual financial reports of insurers, is amended to read as follows:

(a)(1)(A) Annually on or before March 1, or within any extension of time which the Insurance Commissioner for good cause may have granted, each authorized insurer shall file with the commissioner a full and true statement of its financial condition, transactions, and affairs as of the December 31 preceding. in hardcopy format only and as specified by the commissioner.

(B) Beginning July 1, 2003, foreign and alien insurers authorized to transact insurance in this state may satisfy the department's filing requirements by filing with the National Association of Insurance Commissioners a hardcopy and an electronic annual statement, and electronic quarterly statements if requested, using the most recent National Association of Insurance Commissioners specifications adopted by the commissioner.

SECTION 30. Arkansas Code § 23-63-216(a)(2), concerning financial statements filed by licensed insurers, is amended to read as follows:

(2)(A) The prescribed statement shall be prepared in accordance with the most recent, companion National Association of Insurance Commissioners' "Annual Statement Instructions" and shall follow those accounting practices and procedures prescribed by the most recent National Association of Insurance Commissioners' Accounting Practices and Procedures Manual.

(B) The statement shall be, as adopted by the commissioner, the appropriate and most recent National Association of Insurance Commissioners':

~~(A)(i)~~ "Annual Statement Blank For Life And Accident And Health";

~~(B)(ii)~~ "Property And Casualty Annual Statement Blank";

~~(C)(iii)~~ "Title Insurance Annual Statement Blank";

~~(D)(iv)~~ "Annual Statement Blank for Health" for use by hospital, medical, and dental service or indemnity corporations;

~~(E)(v)~~ "Fraternal Annual Statement Blank";

~~(F)(vi)~~ "Annual Statement Blank for Health" for health insurers or health maintenance organizations and others; or

~~(G)(i)(vii)~~ Other National Association of Insurance Commissioners' convention blank blanks as appropriate, ~~which shall be prepared in accordance with the most recent and appropriate, companion National Association of Insurance Commissioners' "Annual Statement Instructions" and follow those accounting practices and procedures prescribed by the most recent and appropriate companion National Association of Insurance Commissioners' Accounting Practices and Procedures Manual.~~

~~(ii)(C)~~ The commissioner is authorized to allow a life insurer or property and casualty insurer whose insurance premiums and required statutory reserves for accident and health insurance constitute at least ninety-five percent (95%) of its total premium considerations or total statutory required reserves, respectively, to file the "Annual Statement Blank for Health" as its annual statement with the companion quarterly statement forms.

SECTION 31. Effective March 1, 2004, Arkansas Code § 23-63-216, is amended to read as follows:

23-63-216. Annual statement and other information.

(a)(1) Annually on or before March 1, or within any extension of time which the Insurance Commissioner for good cause may have granted, each authorized insurer shall file with the commissioner a full and true statement of its financial condition, transactions, and affairs as of the December 31 preceding.

(2) The statement shall be the appropriate and most recent National Association of Insurance Commissioners':

(A) "Annual Statement Blank For Life And Accident And Health";

(B) "Property And Casualty Annual Statement Blank";

(C) "Title Insurance Annual Statement Blank";

(D) "Annual Statement Blank for Health" for use by hospital, medical, and dental service or indemnity corporations;

(E) "Fraternal Annual Statement Blank";

(F) "Annual Statement Blank for Health" for health insurers or health maintenance organizations and others; or

(G)(i) Other National Association of Insurance Commissioners' convention blank as appropriate, which shall be prepared in accordance with the most recent and appropriate, companion National Association of Insurance Commissioners' "Annual Statement Instructions" and follow those accounting practices and procedures prescribed by the most recent and appropriate companion National Association of Insurance Commissioners' Accounting Practices and Procedures Manual.

(ii) The commissioner is authorized to allow a life insurer or property and casualty insurer whose insurance premiums and required statutory reserves for accident and health insurance constitute at least ninety-five percent (95%) of its total premium considerations or total statutory required reserves, respectively, to file the "Annual Statement Blank for Health" as its annual statement with the companion quarterly statement forms.

(3) The insurer shall furnish all information as called for by the applicable portions of the National Association of Insurance Commissioners' annual statement convention blank, and casualty and surety insurance companies shall include a report on income derived from investment of unearned premiums.

(4) The National Association of Insurance Commissioners' annual statement convention blank shall be verified by the oath of the insurer's president or vice president and secretary or actuary as applicable or, if a reciprocal insurer, by the oath of its attorney in fact or its like officers if a corporation.

(b) The statement of an alien insurer shall be verified by the oath of the insurer's United States manager or other officer authorized and shall relate only to its transactions and affairs in the United States unless the commissioner requires otherwise. If the commissioner requires a statement as to the alien insurer's affairs throughout the world, the insurer shall file the statement with the commissioner as soon as reasonably possible.

(c) The commissioner may waive any requirement under this section for verification under oath.

(d) The commissioner shall furnish to each domestic insurer two (2) copies of the forms on which the annual statement is to be made.

(e)(1) The commissioner may refuse to continue the insurer's certificate of authority, as provided in § 23-63-211, or in his or her discretion may suspend or revoke the certificate of authority of an insurer failing to file its annual statement when due.

(2) In addition, the insurer shall be subject to a penalty of one hundred dollars (\$100) for each day of delinquency. The penalty shall be collected by the commissioner, if necessary, by a civil suit therefor brought by the commissioner in the Circuit Court of Pulaski County, unless the penalty is waived by the commissioner upon a showing by the insurer of good cause for its failure to file its report on or before the date due.

(f) At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by § 23-61-401.

(g)(1) In addition to information called for and furnished in connection with its annual statement, an insurer shall furnish to the commissioner as soon as reasonably possible such information with respect to any of its transactions or affairs as the commissioner may from time to time request in writing.

(2) In accordance with the specifications applicable to annual financial statements, each authorized domestic insurer and health maintenance organization and hospital or medical service corporation, or other domestic licensee so directed by the department in writing, shall also file with the commissioner a quarterly financial statement on a form prescribed by the commissioner, not later than forty-five (45) days following the end of each of the first three (3) calendar quarters of each year, excepting the fourth quarter of each calendar year which shall be reconciled in the annual financial statement.

(3) The filing specifications of this section for annual financial reports shall apply to quarterly financial reports.

(h)(1) ~~On or before March 1, 1992, and annually~~ Annually, on or before March 1 of each year ~~thereafter~~, each domestic, foreign, and alien insurer authorized to transact business in this state shall file with the National Association of Insurance Commissioners a hardcopy and an electronic copy of its annual statement, ~~convention blank~~, along with such additional filings as prescribed by the commissioner as of the December 31 preceding. The information filed with the National Association of Insurance Commissioners shall be in the same format and scope as that required by the commissioner and shall include the signed jurat page and the actuarial certification. Any amendments and addendums to the annual statement filing subsequently filed with the commissioner shall also be filed with the National Association of Insurance Commissioners.

(2) Foreign insurers that are domiciled in a state which has a law substantially similar to this subsection shall be deemed in compliance with these requirements.

(3) In the absence of actual malice, members of the National Association of Insurance Commissioners, their duly authorized committees, subcommittees, task forces, delegates, National Association of Insurance Commissioners' employees, and all others charged with the responsibility of collecting, reviewing, analyzing, and disseminating the information developed from the filing of the annual statement convention blanks shall be acting as agents of the commissioner under the authority of this subsection and shall not be subject to civil liability for libel, slander, or any other cause of action by virtue of their collection, review, and analysis or dissemination of the data and information collected from the filings required hereunder.

(4) The commissioner may impose the sanctions set out in subsection (e) of this section on any insurer failing to file its annual statement with the National Association of Insurance Commissioners when due or within any extension of time which the commissioner for good cause may have granted.

(i)(1) Each domestic insurer authorized to transact business in this state shall include in its annual statement an opinion, as is relevant to the lines of business the domestic insurer is authorized to write, on its life and health policy and claim reserves and its property and liability loss and loss adjustment expense reserves by a qualified actuary.

(2) Such opinion shall be in the format prescribed by the National Association of Insurance Commissioners' Annual Statement Instruction Handbook.

(j)(1) The National Association of Insurance Commissioners Annual Statement Diskette Filing Specifications are hereby adopted and incorporated by reference.

(2) Each authorized insurer shall submit its annual and quarterly statement information in manual and computer-readable form using the diskette medium.

SECTION 32. Arkansas Code § 23-63-304 is amended to read as follows:

23-63-304. Service of process of foreign or alien insurers or domestic reciprocal insurers.

(a) The registered agent of a licensed foreign insurer or a licensed domestic reciprocal insurer is the insurer's agent for service of process, notice, or demand required or permitted by law to be served on the insurer.

(b) A licensed foreign insurer or a licensed domestic reciprocal insurer may be served by registered or certified mail, return receipt requested, addressed to the president or the secretary at its principal office shown in its application for a certificate of authority or in its most recent annual statement if the insurer:

(1) Has no registered agent or its registered agent cannot with reasonable diligence be served;

(2) Has withdrawn from transacting business in this state under this subchapter; or

(3) Has had its certificate of authority revoked under this subchapter.

(c) Service is perfected under subsection (b) of this section at the earliest of:

(1) The date the insurer receives the mail; or

(2) The date shown on the return receipt, if signed on behalf of the insurer; ~~or,~~

~~(3) Five (5) calendar days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.~~

~~(d) This section does not prescribe the only means, or necessarily the required means, of serving a licensed foreign insurer or a licensed domestic reciprocal insurer. When service is made upon the designated Arkansas registered agent, service shall be perfected under the Arkansas Rules of Civil Procedure.~~

~~(e) This section does not prescribe the only means, or necessarily the required means, of serving a licensed foreign insurer or a licensed domestic reciprocal insurer.~~

SECTION 33 Arkansas Code § 23-63-503(5)(A), concerning definitions for holding company laws applicable to insurers with depository corporation affiliates, is amended to read as follows:

(5)(A) A "person" is a corporation, a partnership, an association, a joint-stock company, a business trust, an unincorporated organization, depository corporation, or any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

SECTION 34. Arkansas Code § 23-63-506(a), concerning changes in control of domestic insurers in an insurer holding company, is amended to read as follows:

(a) No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, the person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer. No person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time ~~any~~ the offer, request, or invitation is made or ~~any~~ the agreement is entered into, or prior to the acquisition of the securities if no offer or agreement is involved, the person has filed with the Insurance Commissioner and has sent to the

insurer, and ~~the insurer has sent to its shareholders,~~ a statement containing the information required by this section and §§ 23-63-507 - 23-63-513 and ~~such as~~ the offer, request, invitation, agreement, or acquisition has been approved by the commissioner in the manner prescribed in this section and §§ 23-63-507 - 23-63-513.

SECTION 35. Arkansas Code § 23-63-909(b), as to administration and release of security deposits of insurers, is amended to read as follows:

(b)(1) The commissioner, under procedures he or she shall prescribe, may release to the insurer any part of the special additional four percent (4%) accident and health deposit ~~to the insurer~~ required under former laws.

(2) ~~Provided, that any funds withdrawn pursuant to this subsection shall be replaced within one hundred eighty (180) days after such a withdrawal. For good cause, the commissioner may exempt insurers in writing from filing replacement deposits for any line of insurance, including statutory deposits for discontinued lines of insurance.~~

SECTION 36. Arkansas Code § 23-65-302 is amended to read as follows:

23-65-302. Exceptions.

~~The provisions of this subchapter controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or to the following insurances when so placed by licensed agents or brokers of this state: This subchapter shall not apply to reinsurance or to the following kinds of insurance placed by licensed agents or brokers in this state:~~

(1) Wet marine and foreign trade insurance;

(2) Insurance on subjects located, resident, or to be performed wholly outside of this state or on vehicles or aircraft owned and principally garaged outside this state;

(3) Insurance on property or operation of railroads engaged in interstate commerce; and

(4) Insurance of aircraft owned or operated by manufacturers of aircraft, or aircraft operated in scheduled interstate flight, or cargo of the aircraft, or against liability, other than workers' compensation and employer's liability, arising out of the ownership, maintenance, or use of the aircraft.

SECTION 37. Arkansas Code § 23-66-507 is amended to read as follows:

23-66-507. Confidentiality.

(a) Notwithstanding any other provision of law, the documents and evidence provided pursuant to §§ 23-66-505 and 23-66-508 or obtained by the Insurance Commissioner in an investigation of suspected or actual fraudulent insurance acts shall be privileged and confidential and shall not be a public record and shall not be

subject to discovery or subpoena in a civil or criminal action until the matter under investigation is closed by the ~~Insurance-Fraud~~ Criminal Investigation Division with the consent of the commissioner.

(b) Subsection (a) of this section does not prohibit release by the commissioner of documents and evidence obtained by the division in an investigation of suspected or actual fraudulent insurance acts:

(1) In administrative or judicial proceedings to enforce laws administered by the commissioner;

(2) To federal, state, or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent insurance acts, or to the National Association of Insurance Commissioners; or

(3) At the discretion of the commissioner, to a person in the business of insurance that is aggrieved by a fraudulent insurance act.

(c) Release of documents and evidence under subsection (b) of this section does not abrogate or modify the privilege granted in subsection (a) of this section.

SECTION 38. Arkansas Code § 23-66-508 is amended to read as follows:

23-66-508. Creation and purpose of the ~~Insurance-Fraud~~ Criminal Investigation Division.

(a)(1) The ~~Insurance-Fraud~~ Criminal Investigation Division is established within the Arkansas Insurance Department.

(2) The Insurance Commissioner shall appoint the full-time supervisory and investigative personnel of the division, who shall be qualified by training and experience to perform the duties of their positions.

(3)(A) The commissioner shall designate the personnel assigned to the division, who, upon meeting the qualifications established by the Arkansas Commission on Law Enforcement Standards and Training, shall have the powers of specialized law enforcement officers of the State of Arkansas for the purpose of conducting investigations under § 23-66-504 and any criminal violations related to those investigations.

(B) Personnel hired as specialized law enforcement officers shall have a minimum of three (3) years of certified law enforcement experience or its equivalent in national or military law enforcement experience as approved by the Arkansas Commission on Law Enforcement Standards and Training.

(4) The commissioner shall also appoint clerical and other staff necessary for the division to carry out its duties and responsibilities under this subchapter.

(b) It shall be the duty of the division to:

(1) Initiate independent inquiries and conduct independent investigations when the division has cause to believe that a fraudulent insurance act may be, is being, or has been committed;

(2) Review reports or complaints of alleged fraudulent insurance activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and the public to determine whether the reports require further investigation and to conduct these investigations; and

(3) Conduct independent examinations of alleged fraudulent insurance acts and undertake independent studies to determine the extent of fraudulent insurance acts.

(c) The division shall have the authority to:

(1)(A) Issue subpoenas to examine any individual under oath and to compel the production of records, books, papers, contracts, and other documents.

(B) Subpoenas shall be served in the same manner as if issued by a circuit court.

(C) If any individual fails to obey a subpoena issued and served pursuant to this subsection, upon application of the division, the Pulaski County Circuit Court or the circuit court of the county where the subpoena was served may issue an order requiring the individual to comply with the subpoena.

(D) Any failure to obey the order of the court may be punished by the court as contempt thereof;

(2) Administer oaths and affirmations;

(3) Share records and evidence with federal, state, or local law enforcement or regulatory agencies;

(4)(A) Make criminal referrals to prosecuting authorities.

(B) The prosecuting attorney of the judicial district where a criminal referral has been made shall, for the purpose of assisting in the prosecution, have the authority to appoint as special deputy prosecuting attorneys licensed attorneys in the employment of the division.

(C) The prosecuting attorney shall have the right and discretion to proceed against any person or organization on criminal referrals made hereunder, both organizational and individual liability being intended; and

(5)(A) Conduct investigations outside of this state.

(B) If the information the division seeks to obtain is located outside this state, the person from whom the information is sought may make the information available to the division to examine at the place where the information is located.

(C) The division may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the division, and the division may respond to similar requests from officials of other states.

SECTION 39. Arkansas Code § 23-67-211(a), regarding a waiver of the twenty-day review period for certain property and casualty filings in competitive markets, is amended to read as follows:

(a)(1) Filings ~~as to~~ in Competitive Markets. In a competitive market, every insurer shall file with the Insurance Commissioner all rates, supplementary rate information, and supporting information for risks which are to be written in this state. The rates and information shall be filed twenty (20) days prior to the effective date. A filing shall be deemed to meet the requirements of this chapter and to become effective upon the expiration of the waiting period.

(2) Upon written request the commissioner may waive any portion of the twenty-day period provided for in this subsection (a) if:

(A) The filing has been pending for more than twenty (20) days;

(B) The current rates are inadequate; or

(C) The filing will result in a net decrease in rates.

~~(2)~~(3) In a competitive market, if the commissioner determines after a hearing or by agreement that an insurer's rates require closer supervision because of the insurer's financial condition or its rating practices, the insurer shall file with the commissioner at least sixty (60) days prior to the effective date all rates and supplementary rate information and supporting information prescribed by the commissioner. Upon application by the filer, the commissioner may authorize an earlier effective date. A filing shall be deemed to meet the requirements of this chapter and to become effective upon the expiration of the waiting period.

SECTION 40. Arkansas Code § 23-69-108(a)(1), concerning officers for domestic stock or mutual insurers, is amended to read as follows:

(a)(1) Every domestic stock or mutual insurer shall have a chief executive officer, who may or may not be the insurer's president, a president who shall be a director, and a secretary and a treasurer. They shall be chosen by the board of directors and shall hold their offices until their respective successors are chosen and qualify.

SECTION 41. Arkansas Code § 23-69-141(d), as to a domestic stock insurer's conversion to a mutual insurer, is amended to read as follows:

(d) This section ~~shall not apply to~~ is not intended to conflict with formations of, or insurer conversions to, domestic mutual holding companies under other provisions of the Arkansas Insurance Code.

SECTION 42. Arkansas Code § 23-73-105(f)(2)(A), concerning licensure eligibility of and financial stability for farmers' mutual aid associations or companies, is amended to read as follows:

(2)(A)(i) Before any association shall be authorized to write the coverages listed in subdivision (f)(1) of this section, the policy form shall have prior approval of the commissioner, in accordance with § 23-79-109, ~~the association shall have and thereafter maintain a minimum surplus of fifty thousand dollars (\$50,000) to be deposited with the commissioner in the form of securities eligible for deposit under § 23-63-903.~~

(ii) Beginning January 1, 2004, each farmers' mutual aid association or company shall maintain unimpaired a minimum surplus of five hundred thousand dollars (\$500,000).

(iii) If immediate compliance with subdivision (f)(2)(A) of this section would cause the domestic association or company to be impaired or insolvent, the commissioner, in his or her sole discretion, may allow domestic associations or companies to augment surplus and special surplus in increments over five (5) years until December 31, 2008, to achieve compliance with the minimum requirements of subdivision (f)(2)(A) of this section.

SECTION 43. Arkansas Code § 23-73-112, concerning the minimum number of members required for domestic farmers' mutual aid associations or companies, is amended to read as follows:

23-73-112. Continuance of certificate of authority.

To qualify for and hold a certificate of authority to insure property or issue policies, the company or association must:

(1)(A) Have at least ~~fifty (50)~~ two hundred fifty (250) members who hold policies or certificates upon at least ~~fifty (50)~~ two hundred fifty (250) separate risks.

(B) An association whose membership falls below ~~fifty (50)~~ two hundred fifty (250) members shall notify the Insurance Commissioner immediately and shall have ninety (90) days from that date to bring its membership level back up to the requisite number of ~~fifty (50)~~ two hundred fifty (250) members.

(C) Failure to restore the membership level to ~~fifty (50)~~ two hundred fifty (250) members within the prescribed ninety-day period shall cause the commissioner to place the association into involuntary dissolution as contained in § 23-73-120; and

(2) Fully comply with and qualify according to the other provisions of this chapter.

(3) If immediate compliance with this subsection would cause the domestic association or company to be ineligible for a continued certificate of authority to operate in this state, the commissioner, in his or her sole discretion, may allow domestic associations or companies to augment membership in increments over five (5) years until December 31, 2008, to achieve compliance with the minimum requirements of this section.

SECTION 44. Arkansas Code § 23-73-113, concerning certificates of authority for farmers' mutual aid associations or companies, is amended to read as follows:

23-73-113. Continuance of certificate of authority.

(a) For continuance of an original certificate of authority, a farmers' mutual aid company or association shall file with the Insurance Commissioner:

(1) A concise statement of its financial condition, management, and affairs on a form satisfactory to the commissioner;

(2) Other documents or stipulations as the commissioner may reasonably require to evidence compliance with the provisions of this chapter; and

(3) Pay any fees required by the Arkansas Insurance Code to be paid for filing the accompanying documents and for the certificate of authority if granted.

(b)(1) Beginning September 1, 2003, the commissioner shall prepare and forward to each farmers' mutual aid association or company, licensed in good standing on department records as of that date, a new Arkansas certificate of authority, evidencing full licensure from the original year and date on department records when each association or company commenced business in this state.

(2) The certificate under subdivision (b)(1) of this section shall replace any previous certificate of authority, which shall be void upon the effective date of the new certificate.

(3) The new certificate shall remain in force and effect until cancelled, revoked, expired, or surrendered if:

(A) The association or company is entitled to the new certificate;

(B) The association or company timely and satisfactorily complies with annual continuation requirements of this section and other applicable laws or rules.

(4) Although issued to the association or company under this law, the certificate of authority is the property of the State of Arkansas, and, upon any termination or expiration, the association or company shall promptly deliver the certificate to the commissioner.

(5)(A) If for any reason the association or company is not entitled to a continuation of the certificate of authority, the commissioner may refuse to continue the certificate under this section.

(B) If the commissioner refuses to continue the certificate under this section, the certificate shall expire on the next April 30 following the commissioner's written or electronic notice to the association or company.

(c) The certificate of authority of a farmers' mutual aid association or company may be suspended or revoked or otherwise cancelled, after notice and a hearing, by the commissioner:

(1) If the association or company no longer meets the requirements for the authority originally granted, on account of a deficiency of assets or otherwise, or if the association or company is impaired or insolvent;

(2) If the association or company is using methods or practices in the conduct of its business that render further transactions of insurance in Arkansas hazardous or injurious to its members, policyholders, or the public;

(3) If the association or company has refused to be examined or to produce its accounts, records, or files for examination, or if any of its officers have refused to give information with respect to its affairs, when required by the commissioner;

(4) If the association or company has failed to pay a final judgment against it; or

(5) If the association or company has violated or failed to comply with applicable provisions of the Arkansas Code or any lawful order or regulation of the commissioner.

SECTION 45. Arkansas Code § 23-77-107(a)(2), concerning the suspension and licenses for automobile clubs, is amended to read as follows:

(2) If the automobile club or association no longer meets the requirements for the authority originally granted due to a deficiency in the deposit required by § 23-77-106(d)(1)(A) or the failure to maintain a ~~surety bond~~ deposit of securities or other assets acceptable to the commissioner, in such amount as prescribed by § 23-77-106(d)(1)(A); or

SECTION 46. Arkansas Code § 23-79-121(a), concerning insurance policies delivered to consumers, is amended to read as follows:

(a)(1) Subject to the insurer's requirements as to payment of premium, every policy shall be mailed or delivered to the insured or to the person entitled to receive it, within a reasonable period of time after its issuance, except where a condition required by the insurer has not been met.

(2)(A) The insurer may mail or deliver an electronic copy of the policy to the insured or to the person entitled to receive it.

(B) The insurer shall retain the electronic transmittal, along with an electronic or imaged copy of the policy, as a part of the insurer's records.

SECTION 47. Arkansas Code § 23-79-123(a) concerning delivery of insurance certificates or endorsements to policyholders, is amended to read as follows:

(a)(1) Any insurance policy terminating by its terms at a specified expiration date and not otherwise renewable may be renewed or extended at the option of the insurer upon a currently authorized policy form and at the premium rate then required for that type of policy, for a specific additional period or periods by certificate or by endorsement of the policy, or by electronic certificate or electronic endorsement properly executed, and without requiring the issuance of a new policy.

(2) The insurer shall retain the electronic transmittal, and a copy of the certificate or endorsement, as a part of the insurer's records.

SECTION 48. Arkansas Code § 23-81-304(b)(1)(A), concerning minimum values for annuity contracts, is amended to read as follows:

(b)(1)(A) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of ~~three percent (3%)~~ one and one-half percent (1.5%) per annum of percentages of the net considerations paid prior to the time, decreased by the sum of:

(i) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of ~~three percent (3%)~~ one and one-half percent (1.5%) per annum; and

(ii) The amount of any indebtedness to the insurer on the contract, including interest due and accrued and increased by any existing additional amounts credited by the insurer to the contract.

SECTION 49. Arkansas Code § 23-81-308 is amended to read as follows:

23-81-308. Maturity date.

(a) For the purpose of determining the benefits calculated under §§ 23-81-306 and 23-81-307, in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract. This date shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(b) This section does not apply to annuities funding funeral and related expenses.

SECTION 50. Arkansas Code Title 23, Chapter 86, Subchapter 3 is amended to add an additional section to read as follows:

23-86-315. Commissioner's regulatory authority.

The Insurance Commissioner may promulgate, adopt, and enforce reasonable rules and regulations necessary and proper to enforce this subchapter.

SECTION 51. Arkansas Code § 23-89-213 is amended to read as follows:

23-89-213. ~~Premium delinquencies~~ Auto Liability – Proof of insurance card.

All insurance companies authorized to do business in this state and issuing automobile liability insurance policies in this state shall furnish to the insured a proof of insurance card which shall contain the following information:

(1) The name, address, and telephone number of the insurer; and as the National Association of Insurance Commissioners' five-digit identification number assigned to the insurer;

(2) The name and telephone number of the local agent through whom the policy was issued, if any, or a blank space where a local agent's name may be stamped or filled in;

(3) The policy number;

(4) The effective date of the insurance policy coverage and the expiration date of the insurance policy coverage;

(5) The vehicle identification number and a brief description of the insured vehicle; and

(6) The name and address of the insured person.

SECTION 52. Arkansas Code § 23-100-101 is amended to read as follows:

23-100-101. Title.

This chapter shall be known as "The Insurance Fraud State Insurance Department Criminal Investigation Division Trust Fund Act".

SECTION 53. Arkansas Code § 23-100-102(a), concerning insurers' payment extensions for antifraud assessments and penalties for noncompliance, is amended to read as follows:

(a) The Insurance Commissioner may grant any licensed insurer an extension for payment of the annual antifraud assessment for good cause shown, upon written application of the licensed insurer received at the State Insurance Department on or before each annual due date. Absent the commissioner's approval of such time extensions for good cause, licensed insurers failing timely to pay the antifraud assessment shall be subject to a penalty of one hundred dollars (\$100) per

day for each day of delinquency, payable to the ~~Insurance-Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund. The commissioner may pursue any appropriate legal remedies to collect the antifraud assessment and penalties due and unpaid from any insurer. Further, the commissioner may in his discretion order suspension of the delinquent insurer's Arkansas certificate of authority after notice and hearing until the payment of all such antifraud assessments and penalties is remitted to the fund. Absent grant of his waiver for good cause shown, the commissioner may revoke the Arkansas certificate of authority of any delinquent insurer consistently refusing and failing without good cause to remit payment of these antifraud assessments and penalties to the fund pursuant to this section.

SECTION 54. Arkansas Code § 23-100-103 is amended to read as follows:

23-100-103. The ~~Insurance-Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund - Creation.

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the ~~Insurance-Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund to be used to defray the expenses of the ~~Insurance-Fraud~~ Criminal Investigation Division of the State Insurance Department in the discharge of its administrative and regulatory powers and duties as prescribed by law.

(b) No money is to be appropriated from this fund for any purpose except for the personal services and operating expenses, maintenance and operations, and support of and improvements to the division, and at the direction of the Insurance Commissioner for the use, benefit, and support of the division.

(c) The fund established pursuant to this section shall be administered, disbursed, and invested under the direction of the commissioner and the Treasurer of State.

(d) All income derived through investment of the fund, including, but not limited to, interest and dividends, shall be credited as investment income to the fund. All income derived through grants, refunds, gifts, or any other sources, to the fund shall be credited as income to the fund and deposited therein.

(e) Further, all moneys deposited to the aforementioned fund shall not be subject to any deduction, tax, levy, or any other type of assessment, except as may be provided by law.

SECTION 55. Arkansas Code § 23-100-104(a)(1) is amended to read as follows:

(a)(1) Notwithstanding the provisions of § 26-57-601 et seq., § 23-61-701 et seq., and other provisions of Arkansas law, all licensed insurers, including, but not limited to, all licensed stock and mutual insurance companies, reinsurers, health maintenance organizations, fraternal benefit societies, hospital and medical service corporations, stipulated premium insurers, farmers' mutual aid associations, and prepaid legal insurers, shall, not later than June 30, 1997, for the 1996-1997 fiscal year, and thereafter annually on or before June 30 for all subsequent years at the time and in the manner as the Insurance Commissioner shall prescribe, or at times alternate from June 30 annually as the commissioner shall prescribe, pay to the ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund, in addition to the premium taxes and fees now required under existing law, a nonrefundable antifraud assessment as directed by the commissioner for the reasonable and necessary expenses and operation of the ~~Insurance Fraud~~ Criminal Investigation Division.

SECTION 56. Arkansas Code § 23-100-105 is amended to read as follows:

23-100-105. Insurers' antifraud fees - Deposit into the ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund.

The Insurance Commissioner shall deposit all antifraud assessments and any penalties assessed under this chapter, as well as any other income received for purposes set out in § 23-100-103(a), into the ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund as special revenues.

SECTION 57. Arkansas Code § 23-100-107 is amended to read as follows:

23-100-107. The ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund - Department vouchers and Auditor of State warrants.

All antifraud assessments, penalties, and revenues provided in this chapter received as special revenues for the ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund and deposited therein shall be deemed for all purposes special revenues of the fund and of the State Insurance Department for the sole support, operation, and maintenance of the ~~Insurance Fraud~~ Criminal Investigation Division of the State Insurance Department, and, when paid into the State Treasury by the Insurance Commissioner, shall be maintained by the State Treasury as the ~~Insurance Fraud~~ State Insurance Department Criminal Investigation Division Trust Fund, separate from all other funds, and available only for the payment of the expenses of the division pursuant to the appropriations therefor. The Auditor of State shall, upon proper voucher from the commissioner, issue his warrant on the Treasurer of State in payment of all salaries and other expenses incurred in the administration of this chapter.

SECTION 58. Arkansas Code § 26-57-606 is repealed.

~~26-57-606. Foreign automobile insurance companies—Annual reports.~~

~~Each alien and foreign insurance company insuring motor vehicles in this state shall annually file a report with the Insurance Commissioner showing the total premiums collected on collision, comprehensive, and liability insurance written on motor vehicles, the licensed address of which is a city or town in the state, and the total premium taxes paid thereon to the state. The report shall show separately the premiums collected upon insurance policies or contracts for motor vehicles addressed in each city or town in this state and the amount of premium taxes paid to the State of Arkansas on such premiums.~~

SECTION 59. Arkansas Code § 26-57-614(e), concerning premium taxes for fire protection services, is amended to read as follows:

(e)(1) Premium tax payments shall be made upon company checks payable to the Fire Protection Premium Tax Fund.

(2)(A) If the premium taxes required to be paid are less than twenty-five dollars (\$25.00), the insurer may defer payment to the following quarter or quarters of that calendar year.

(B) However, the tax payment shall be remitted to the State Insurance Department no later than March 1 of the following year, coincident with the filing of the annual statement.

SECTION 60. Arkansas Code § 27-19-717 is amended to read as follows:

27-19-717. Money or security as proof.

(a)(1)(A) Proof of financial responsibility may be evidenced by the certificate of the ~~Insurance Commissioner~~ State Revenue Commissioner that the person named therein has deposited with him ~~sixty-five thousand dollars (\$65,000)~~ seventy-five thousand dollars (\$75,000) in cash or securities such as may be legally purchased by savings banks or for trust funds of a market value of ~~sixty-five thousand dollars (\$65,000)~~ seventy-five thousand dollars (\$75,000).

(B) Surety bonds will no longer be accepted for the statutory deposit after the effective date of this subdivision (a)(1)(B).

(2) The commissioner shall not accept any such deposit and issue a certificate therefor and the office shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b)(1) The deposit shall be held by the commissioner to satisfy, in accordance with the provisions of this subchapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of this state after the deposit was made.

(2) Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as indicated.

SECTION 61. Arkansas Code § 27-19-719 is amended to read as follows:

27-19-719. Substitution of proof.

The office shall consent to the cancellation of any bond or certificate of insurance or the office shall direct, and the ~~Insurance Commissioner~~ State Revenue Commissioner shall return, any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

SECTION 62. Subsection (a) of Arkansas Code 27-19-721(a), concerning refund deposits posted to meet vehicle financial responsibility laws, is amended to read as follows:

(a) The office shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the office shall direct, and the ~~Insurance Commissioner~~ State Revenue Commissioner shall return, to the person entitled thereto any money or securities deposited pursuant to this subchapter as proof of financial responsibility, or the office shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three (3) years from the date the proof was required when, during the three-year period preceding the request, the office has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom the proof was furnished; or

(2) In the event of the death of the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) In the event the person who has given proof surrenders his license and registration to the office.

SECTION 63. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the laws of this state regarding insurance regulation and vehicle liability deposits for proof of financial responsibility are inadequate for the protection of the public; and that the immediate passage of this act is necessary in order to provide for the adequate protection of the public. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety, shall become effective on July 1, 2003.

/s/ Gary Biggs

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Rankin, **HOUSE BILL NO. 2732** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2732**

Amend **HOUSE BILL NO. 2732** as originally introduced:

Page 1, delete lines 10 and 11 and substitute the following:

“AUTOMATIC RENEWAL OF SERVICES CONTRACTS; AND FOR OTHER PURPOSES.”

AND

Page 1, lines 16 and 17 and substitute the following: “SERVICES CONTRACTS.”

AND

Delete everything after the enactment clause and substitute the following:

“SECTION 1. Automatic renewal of certain contracts prohibited.

(a) No contract for the service to, maintenance of, or repair to any real or personal property that is entered into as of the effective date of this act shall state that the term of the contract will automatically be renewed for any additional period beyond the initial term of the contract.

(b) No contract under subsection (a) shall be renewed for any additional period beyond the initial term of the contract unless the person receiving the service, maintenance, or repair affirmatively notifies the person offering the service, maintenance, or repair that he or she wishes to renew the contract.

(c) This act does not affect the initial term of a contract under subsection (a), and does not prohibit any person from offering to renew a contract under subsection (a).

(d) If a contract under this section is renewed in violation of this section, the person receiving the service maintenance, or repair may void the contract and shall not be obligated to perform under the contract, as renewed.”

/s/ Randy Rankin

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Eason, **HOUSE BILL NO. 2337** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2337

Amend **HOUSE BILL NO. 2337** as originally introduced:

Page 1, delete lines 29 and 30 and substitute the following: "certified nursing staff nurse aide, student nurse, certified or licensed therapist or therapy assistant, or nurse aide trainee as permitted by federal"

AND

Page 2, delete line 5, and substitute the following:

"(5) "Full time equivalent" means a circumstance that exists when two or more qualified individuals are sequentially assigned to a staff position in such a way as to assure that at least one qualified staff member is present and acting in the staff position at all times during a specified shift;

(6) "Staff position" means a staff requirement imposed under § 20-10-1403;

(4)(7) "Midnight census" means the number of patients occupying"

AND

Page 2, line 7, delete "~~(5)(6)~~" and substitute "~~(5)(8)~~"

AND

Page 2, line 9, delete "~~(6)(A)(7)(A)~~" and substitute "~~(6)(A)(9)(A)~~"

AND

Page 2, delete lines 17 and 18 and substitute the following: "homes, residential care facilities, assisted living facilities, intermediate care facilities for the mentally retarded, post-acute head injury retraining and residential care facilities, hospitals, institutions operated by the federal government"

AND

Page 3, delete line 3 through 19 and substitute the following:

"(c) If a facility varies shift hours from the shift hours listed in § 20-10-1401 implements flex time, the facility shall meet the staffing requirements for the shift listed established in § 20-10-1403.

(d) For staffing compliance, a full time equivalent has the same effect as having a direct care staff member present for the entirety of a shift.

(e) If the facility intends to adopt a flex time staffing plan, the facility shall notify the Office of Long Term Care in writing of its intent at least thirty (30) calendar days before implementing or altering flex time staffing.

(f) A facility may use, at its option, a combination of flex time staffing and traditional staffing based on day shift, night shift and evening shift.

(g) If a facility implements flex time, the beginning and ending times for the following shifts shall be modified to begin and end by an equal amount of time so as to provide continuous twenty-four (24) hour coverage that maintains the staffing ratios established in § 20-10-1403.

AND

Page 4, line 3, delete "at least"

AND

Page 4, line 6, delete "at least"

AND

Page 4, line 9, delete "at least"

AND

Page 4, line 14, delete "at least"

AND

Page 4, line 17, delete "at least"

AND

Page 4, line 20, delete "at least"

AND

Page 5, delete line 2 and substitute the following: "functions of a certified staff member; provided that no staff member or full time equivalent may be included in the computation of required staff to resident ratios simultaneously in more than one category."

AND

Page 7, delete line 2 and substitute the following:

"(e) In determining whether a pattern of failure exists:

(1) Up to twenty-five percent (25%) of the minimum required direct care personnel for a shift may begin the shift up to fifteen (15) minutes after the beginning time of the shift;

(2) In computing the twenty-five percent (25%) in subsection (e)(1), all rounding shall be down to the nearest whole number; and

(3) For a maximum of fifteen (15) shifts in a month, those individuals who meet the provisions of subsection (e)(1) shall not be considered in violation of minimum staffing requirements, and shall not be considered when determining a pattern of failure. Provided:

(i) Thereafter, and beginning with the sixteenth (16<sup>th</sup>) shift in a month in which staff do not appear at the beginning of the shift, the failure of staff to appear at the beginning time of a shift shall be considered in determining or calculating whether a pattern of failure exists;

(ii) Any shift in which more than twenty-five percent (25%) of the minimum required direct care personnel for a shift begins the shift up to fifteen (15) minutes after the beginning time of the shift shall be considered when determining or calculating a pattern of failure; or,

(iii) Any shift in which one (1) or more of the total number of minimum required direct care staff begins the shift more than fifteen (15) minutes after the beginning time of the shift shall be considered in determining or calculating whether a pattern of failure exists.

~~(e)~~(f) A facility may regain compliance after a pattern of failure by”

AND

Page 7, line 2, delete “(f)(1)” and substitute “~~(f)~~(g)(1)”

/s/ John A. Eason

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Schulte, **HOUSE BILL NO. 2706** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2706**

Amend **HOUSE BILL NO. 2706** as originally introduced:

Page 1, delete lines 26 through 35 and substitute:

“(3) Murder in the second degree, § 5-10-103;

~~(3)~~(4) Kidnapping, § 5-11-102;

(5) Aggravated robbery, 5-12-103;

~~(4)~~(6) Rape, § 5-14-103;

~~(5)~~(7) Any other offense under § 5-14-101 et seq., concerning sexual offenses;

~~(6)~~(8) An offense concerning sexual exploitation of children, § 5-27-301 et seq.;

~~(7)~~(9) An offense concerning use of children in sexual performances, § 5-27-401 et seq.; or  
~~(8)~~(10) Stalking, § 5-71-229.

/s/ Susan Schulte

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Schulte, **HOUSE BILL NO. 2705** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2705**

Amend **HOUSE BILL NO. 2705** as originally introduced:

Page 1, line 24, add "aggravated robbery, § 5-12-103." before "rape"

/s/ Susan Schulte

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. 2433** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2433

Amend **HOUSE BILL NO. 2433** as originally introduced:  
Page 1, line 23, delete "public school" and substitute "public high school"

/s/ Jeremy Hutchinson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Cowling, **HOUSE BILL NO. 2444** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2444

Amend **HOUSE BILL NO. 2444** as originally introduced:  
Page 3 line 5 insert the following:

"SECTION 3. Arkansas Code § 23-103-301 is amended to read as follows:  
23-103-301. License required.

(a) On and after January 31, 2002, a person shall not sell or receive a premium for a commitment or a contract of title insurance pertaining to real property in this state, unless the person is a title insurer or licensed as a an issuing title insurance agent under this chapter.

(b) On and after January 31, 2002, no commitment or contract of title insurance pertaining to real property situated in the State of Arkansas shall be issued, sold, or exchanged, unless the commitment and contract of title insurance is countersigned by a title insurance agent, who is a resident of this state and licensed under this chapter either as an issuing title insurance agent or a signing title insurance agent.

(c) The name of the signing agent making the countersignature and the number of the license certificate shall be printed or legibly written by hand underneath the countersignature.

SECTION 4. Arkansas Code § 23-103-305, concerning the issuance of a license for a title insurance agent, is amended to add an additional subsection to read as follows:

(e)(1) The license certificate shall indicate whether the license is issued as an issuing agent license, a signing agent license, or a license for an inactive licensee.

(2) An issuing agent license shall be issued to an applicant if the applicant:

(A) Provides evidence satisfactory to the board that the applicant may sell or receive premiums for commitments and contracts for title insurance issued by the applicant in the name of a title insurer;

(B) Provides evidence satisfactory to the board that the applicant may sell or receive premiums for commitments and contracts of title insurance issued by the applicant in the name of a title insurer; and

(C) Satisfies the requirements for licensure under § 23-103-305(a) and (b).

(3) A signing agent license shall be issued to an applicant if the applicant:

(A) Provides evidence satisfactory to the board that upon licensure the applicant will be authorized by the issuing agent to countersign commitments and contracts of title insurance on behalf of the issuing agent; and

(B) Satisfies the requirements for licensure under § 23-103-305(a) and (b).

(4) An inactive signing agent's license shall be issued to all other applicants who otherwise would qualify for licensure under § 23-103-305(a) and (b).

SECTION 5. Arkansas Code § 23-103-307 is amended to read as follows:

23-103-307. Abstractor's exemption from examination.

(a) Every person to whom the State of Arkansas has issued, as of January 1, 2001, a certificate of registration as a registered abstractor or a certificate of authority to engage in the business of abstracting, shall be exempt from the examination required in § 23-103-304, and the person, including each natural person designated by a business entity to exercise the powers to be conferred by the title insurance agent's license, who is an Arkansas-registered abstractor on January 1, 2001, upon payment of the original license fee, shall be certified by the Arkansas Title Insurance Agents' Licensing Board as a licensed title insurance agent, and the license certificate shall be immediately issued to the person.

(b) An Arkansas registered abstractor eligible for the exemption granted in this section shall become ineligible for the exemption after January 31, 2005.

SECTION 6. Arkansas Code Title 23, Chapter 103, Subchapter 3 is amended to add an additional section to read as follows:

23-103-315. Transfer and cancellation of license.

(a)(1) An issuing agent may effect the transfer of a signing agent's license or an inactive signing agent's license to the issuing agent by furnishing evidence satisfactory to the board that the signing agent has been authorized to countersign commitments and contracts of title insurance in the name of the issuing agent and has otherwise satisfied the requirements for licensure under this chapter.

(2) The board shall then issue a replacement license certificate to the signing agent naming the issuing agent thereon.

(b)(1) An issuing agent shall effect the cancellation of a signing agent's license that has been placed with the issuing agent by providing evidence satisfactory to the board that the signing agent licensee no longer may countersign commitments and contracts of title insurance on behalf of the issuing agent.

(2) The board shall then cancel the license certificate issued to the signing agent licensee.

(3) The signing agent's license shall be placed on inactive status.

SECTION 7. Arkansas Code Title 23, Chapter 103, Subchapter 3 is amended to add an additional section to read as follows:

23-103-316. Continuing education - requirements.

(a) Beginning February 1, 2004, as a condition precedent to renewal or reactivation of licenses, licensees shall meet the following requirements:

(1)(A) Before activation of a license on inactive status, the licensee shall satisfactorily complete four (4) classroom hours or equivalent continuing education units or equivalent correspondence work of continuing education for each year inactive not to exceed twenty (20) classroom hours.

(B) However, satisfying the requirements in subdivision (a)(1)(A) of this section, will only satisfy the requirements for that particular license year and not for the following license year;

(2)(A) Persons licensed as title insurance agents shall successfully complete four (4) classroom hours or equivalent continuing education units or equivalent correspondence work of continuing education annually.

(B) At least one (1) hour or equivalent continuing education unit shall be in a specific topic or topics as identified by the board.

(C) Persons satisfying the requirements in subdivision (a)(2)(A) of this section, shall be deemed to have successfully completed the continuing education requirements for the licensing year following the year in which first licensed in Arkansas; and

(3) A nonresident licensee may meet this state's continuing education requirements by taking courses that meet the continuing education requirements of his or her resident state for the licensing year in question, if:

(A) The course or courses consist of no fewer than four (4) classroom hours or equivalent continuing education units of title insurance related subjects and otherwise comply with the minimum requirements of this chapter; and

(B) Evidence of the compliance satisfactory to the board is submitted in form, manner, and content prescribed by the board.

(b) Licensees on inactive status are not required to comply with this subchapter during their inactive status.

(c) The board may waive all or part of the requirements of subsection (a) of this section for any licensee who submits satisfactory evidence of inability to meet the continuing education requirements due to health reasons or other hardship or extenuating circumstances beyond the licensee's control.

(d) Licenses for persons who apply for renewal of his or her license and who do not provide to the board evidence of meeting the continuing education requirements, but who have otherwise met all requirements for license renewal, shall be placed on inactive status until the evidence is provided to the board.

(e) If the licensee fails to complete the post-licensure education requirements within twelve (12) months after the date the license was issued, the board shall place the license on inactive status until the board receives documentation that the licensee has completed the post-licensure education requirements.

(f) The board may prescribe forms and certificates to be utilized by continuing education providers and licensees in the administration and completion of continuing education courses.

(g) The board may require continuing education providers to maintain course records and to make these records available to the board for audit and review.

(h) The board may require licenses to maintain continuing education records and to provide the records to the board to ensure compliance with the continuing education requirements.

(i) Renewal of a license issued to an attorney licensed in this state under § 23-103-302, is subject to § 23-103-310 except that the renewal shall not be subject to the continuing education requirements of this chapter.

/s/ Ken Cowling

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1488** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 4 TO HOUSE BILL NO. 1488**

Amend **HOUSE BILL NO. 1488** as engrossed, H3/3/03:

Page 1, line 12 delete "TO THE"

AND

Page 1, line 13 delete "PUBLIC"

AND

Page 1, line 19 delete "TO THE PUBLIC"

AND

Page 1, line 36 add "to employers and professional licensing boards" after "information"

AND

Page 1, line 36 delete "arrests" and substitute "arrest information"

AND

Page 2, line 10 add "into the central repository" after "entered"

AND

Page 2, delete line 12 and substitute "which collects, maintains and disseminates criminal history information;"

AND

Page 3, line 20 delete "person or"

AND

Page 3, line 21 delete "agency outside the agency processing the information" and substitute "agency, professional licensing board, business designated by state or federal law, or any other employer legally doing business in and paying taxes to the State of Arkansas who has applied and been approved by the Department of

Arkansas State Police to receive the information”

AND

Page 3, line 35 add “,expunged or juvenile” after “sealed”

AND

Page 4, line 16 delete “their”

AND

Page 5, delete lines 7 through 11 and substitute:

“(d)(1) Each employer or professional licensing board that is allowed access to records under this act shall maintain in their files the written consent to obtain the criminal history information given by the applicant or employee.

(2) Those files and consent forms shall be subject to inspection by the Department of the Arkansas State Police.”

(e) This section allows the dissemination of information concerning persons who are required to register as sex offenders.

(f) Criminal justice agencies, its employees, and officials shall be immune from civil liability for dissemination of criminal history information under this act.”

AND

Page 5, line 16 delete “subject to the”

AND

Page 5, line 17 delete “limitations contained in other provisions of the Arkansas Code.” and substitute “as authorized by law.”

AND

Page 5, delete lines 21 through 33 and substitute:

“(b) The Department of Arkansas State Police and the Arkansas Crime Information Center are authorized to contract with Information Network of Arkansas under §§ 25-27-101 through 25-27-105 or any other qualified third party vendor in the establishment of the gateway or means of processing these transactions electronically.

(c) The Department of Arkansas State Police shall be authorized to establish and collect reasonable fees for the service of fingerprinting persons upon their request for noncustodial arrest purposes.”

AND

Page 6, delete lines 4 and 5 and substitute:

“(b) A fee for providing criminal history information will be charged for each criminal history information requested.”

AND

Page 6, line 6 insert the following new section:

“SECTION 9. Right of review and challenge.

(a)(1) A person may review and challenge their criminal history information under § 12-12-1013.

(2) No fee shall be charged for review or challenge of criminal history information.

(b)(1) A person may go to any law enforcement agency, provide positive verification of his or her identity, be fingerprinted by the law enforcement agency and supply written details of the errors in the criminal history information.

(2) The local law enforcement agency must send the fingerprint card and information directly to the Arkansas State Police Identification Bureau.

(3) The law enforcement agency shall verify that the identification of the person and the fingerprint card information are correct.

(4) There is no charge from the Department of Arkansas State Police or the Arkansas Crime Information Center for this review process.

(c)(1) A person upon positive verification of his or her identity may review any requestor information pertaining to such person compiled and maintained through the Department of Arkansas State Police or its designee. (2) No fee shall be charged for this access.

AND

Appropriately renumber subsequent sections

AND

Page 6, line 29 insert the following new section:

“SECTION 11. Penalty

(a) Any person who shall knowingly release or disclose to any unauthorized person any information collected and maintained under this act, and any person who knowingly obtains such information for purposes not authorized by this act, shall be deemed guilty of a Class A misdemeanor.

(b) The Department of Arkansas State Police and the Arkansas Crime Information Center shall have the power to promulgate rules and regulations as are necessary to implement, enforce and administer this act.”

AND

Appropriately renumbering subsequent sections.

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 2344** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2344**

Amend **HOUSE BILL NO. 2344** as originally introduced:

Page 2, delete line 3 and substitute the following: "corrective action or ~~compensation for bodily injury or property damage~~ a claim for compensatory damages, or"

AND

Page 2, delete lines 7 through 16 and substitute the following:

"(4) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(5)(A) "Compensatory damages" means all damages for which an owner or operator may be liable including, without limitation, bodily injury or property damage.

(B) "Compensatory damages" do not include:

(i) Punitive damages; or

(ii) The costs of litigation, which shall not be limited to attorney or expert witness fees.

(C) This definition shall apply to any pending third party claim which has not been reduced to judgment as of the effective date of this subdivision (5);"

AND

Page 3, line 19, delete "(60ø F)" and substitute "~~(60ø F)~~ (60° F)"

AND

Delete sections 2, 3, and 4 in their entirety and substitute the following:

"SECTION 2. Arkansas Code § 8-7-905(d) is amended to read as follows:

(d) Moneys in the fund may be expended by the director solely for the following purposes, as limited by the provisions of subsection (e) of this section:

(1) The state share mandated by the federal Resource Conservation and Recovery Act of 1976;

(2) To pay costs incurred by the Arkansas Pollution Control and Ecology Commission, the director, the Attorney General, or the Advisory Committee on Petroleum Storage Tanks in the performance of their duties under this subchapter;

(3) To pay reimbursement to owners and operators for taking corrective action or to ~~compensate owners or operators for claims by~~ pay third parties for ~~bodily injury and property damage~~ compensatory damages, or both, caused by accidental releases from qualified storage tanks;

(4) To pay reasonable and necessary costs and expenses of the department for taking corrective action caused by accidental releases from a storage tank of unknown ownership or when corrective action is not commenced by the owner or operator in a timely manner; and

(5) To reimburse owners and operators in the vicinity of the release for performing short-term testing or monitoring which is in addition to that required by the department's rules and regulations if the department has a reasonable basis for believing that such petroleum underground storage tank or tanks may be the source of the release. The owners and operators of petroleum underground storage tanks, including out-of-service and nonoperational tanks, not found to be the source of the release and who cooperate with the department may apply to the fund for reimbursement for such testing and monitoring costs, not including lost managerial time or loss of revenues because of temporary business closure.

SECTION 3. Arkansas Code § 8-7-907(b), concerning payments for corrective action from the Petroleum Storage Tank Trust Fund, is amended to read as follows:

(b) Payment for corrective action shall not exceed ~~one million dollars (\$1,000,000)~~ one million five hundred thousand dollars (\$1,500,000) per occurrence.

SECTION 4. Arkansas Code § 8-7-908(a), third-party claims to the Petroleum Storage Tank Trust Fund, is amended to read as follows:

(a)(1) No payment to any owner or operator against whom a third-party claim is brought for ~~bodily injury or property damage~~ compensatory damages, ~~or both~~, shall be paid from the Petroleum Storage Tank Trust Fund until the owner or operator has expended seven thousand five hundred dollars (\$7,500) on third-party claims for the occurrence, except in cases where the Director of the Arkansas Department of Environmental Quality is using his or her emergency authority under § 8-7-905(e) or the owner or operator has been discharged under the United States Bankruptcy Code or is determined by a court to be insolvent.

(2) It is the intent of the General Assembly that this initial level of expenditure be considered the equivalent of an insurance policy deductible.

(3) Owners and operators of underground storage tanks must demonstrate financial responsibility for the seven-thousand-five-hundred-dollar deductible for third-party liability costs.

SECTION 5. Arkansas Code § 8-7-908(c) is amended to read as follows:

(c) All payments for third-party claims shall be made only following proof that:

(1) At the time of the occurrence, the owner or operator was in substantial compliance with the financial responsibility requirements;

(2) At the time of discovery of the release, the owner or operator had paid all fees required under state law or regulations applicable to petroleum storage tanks; and

(3) A valid final court order or valid final order of the Arkansas State Claims Commission establishing a judgment against the owner or operator for ~~bodily injury or property damage~~ compensatory damages caused by an accidental release from a qualified storage tank has been entered.

SECTION 6. Arkansas Code § 8-7-908(d)(1) is amended to read as follows:

(d)(1)(A) Any owner or operator against whom a third-party claim is filed in court or in the Arkansas State Claims Commission shall give written notice of the claim to the Arkansas Department of Environmental Quality no later than twenty (20) days after service of summons or receipt of notification of the claim from the Arkansas State Claims Commission.

(B) As a condition of eligibility, an owner or operator shall cooperate with and assist the department and, if applicable, the Attorney General's office in connection with the third-party claim.

(C) At a minimum, such cooperation shall include active participation by the owner or operator throughout the litigation and providing assistance as required by the department or the Attorney General's office during resolution of a third-party claim.

(D) In determining compliance with subdivisions (d)(1)(B) and (C), the director shall consider the owner's or operator's financial condition.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that under present law a requirement for Petroleum Storage Tank Fund eligibility for reimbursement for third party claims for bodily injury and property damage is the payment of seven thousand five hundred dollars (\$7,500) to injured third parties by the owner or operator; that if the owner or operator is discharged in bankruptcy or declared insolvent, injured third parties may have no protection under the law; that existing law should be changed immediately so that injured third parties will be guaranteed access to the fund that is specifically designed to compensate them for their injuries; and that, in addition, owners or operators may not enjoy the protection originally intended by the General Assembly when it initially enacted this statute unless the definition of compensatory damages is clarified. 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/ Sam Ledbetter

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. 1692** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1692**

Amend **HOUSE BILL NO. 1692** as originally introduced:

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

"(b)(1) There is established the Board of Visitors for the University of Arkansas at Monticello, which shall consist of ~~nine (9)~~ eleven (11) members appointed by the Governor.

(2)(A) First, the Governor shall make seven (7) appointments from a list of no less than twenty (20) names jointly prepared by the members of the House of Representatives representing the eighth, ninth, tenth, and twelfth house districts, and the senator representing the twenty-fourth senate district.

(B) The seven (7) appointments shall include one (1) each from Ashley, Bradley, Chicot, Cleveland, Desha, Drew and Lincoln counties.

(3)(A) Second, the Governor shall appoint two (2) members from:

(i) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-Crossett; and

(ii) The Board of Directors of Great Rivers Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-McGehee.

(B) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-McGehee, shall be appointed by the Board of Trustees of University of Arkansas.

~~(2) The Governor shall endeavor to make appointments to the initial board of visitors, and thereafter as terms expire and vacancies occur for any reason, so that at least five (5) members of the board will be alumni of the University of Arkansas at Monticello, two (2) members represent the state at large, and seven (7) members represent the following counties: Drew, Ashley, Bradley, Chicot, Cleveland, Desha, and Lincoln.~~

(c)(1)(A) Appointments shall be bipartisan and be for terms of three (3) years.

(B) The Governor shall make appointments to the initial board of visitors, and thereafter as terms expire and vacancies occur for any reason, so that at least seven (7) members of the board will be alumni of the University of Arkansas at Monticello.

(C) After the expiration of the terms of the members initially appointed under (b)(1)(B), the members appointed in 2006 shall draw lots for staggered terms with the terms of four (4) members expiring in 2007, the terms of four (4) members expiring in 2008, and the terms of three (3) members expiring in 2009.

(D) Appointments after 2006 shall be for terms of three (3) years."

AND

Page 2, delete lines 1 through 21 entirely

AND

Page 3, delete line 7, and substitute the following:

"and improvement of the quality of the academic programs, and shall expand its mission to include technical education at Forest Echoes Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1, 2003 shall be known as University of Arkansas at Monticello College of Technology-McGehee."

AND

Page 3, line 11, delete "Board of Trustees" and substitute "the Governor."

AND

Page 3, delete line 12 entirely

/s/ Johnnie Bolin

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Wood, **HOUSE BILL NO. 2361** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2361

Amend **HOUSE BILL NO. 2361** as engrossed, H3/13/03:

Page 2, line 9, delete "any computer" and substitute "any electronic serial number, mobile identification number, personal identification number, computer"

AND

Page 2, line 21, delete "provided by" and substitute "provided for a charge or compensation by"

AND

Page 2, line 22, delete "telephone."

AND

Page 2, line 22, delete "photoelectric." and substitute "photoelectric, photoelectronic."

AND

page 2, line 32, delete "photoelectronic." and substitute "photoelectric, photoelectronic."

AND

Page 4, delete lines 28 through 31 and substitute the following:

"(3) Tamper or otherwise interferes with or connects to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable television without authority from the operator of the service, modifies, alters."

AND

Page 5, line 13, delete "the unlawful communication or access" and substitute "the communication or unlawful access"

AND

Page 5, delete lines 32 through 36 and substitute the following:

"(B) However, nothing in this subdivision (6) shall be construed to prohibit the manufacture, importation, sale, lease, or possession of any television device possessing the internal hardware necessary to receive cable television signals without the use of a converter, device, or box, or of any television advertised as "cable ready"; or."

AND

Page 9, line 2, delete "services" and substitute "service".

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Dees, **HOUSE BILL NO. 2262** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2262**

Amend **HOUSE BILL NO. 2262** as originally introduced:

Add Representatives Borhauer, Chesterfield, Clemmons, Elliott, Fite, King, Martin, S. Prater and Walters as cosponsors of the bill

AND

Add Senators Brown, Horn, Salmon, Wilkins and Wooldridge as cosponsors of the bill

AND

Page 1, line 27 add "care worker" after "child"

AND

Page 2, line 2 delete "A family service worker" and substitute "A ~~family service worker~~ Any foster parent"

/s/ Joyce Dees

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Dees, **HOUSE BILL NO. 1658** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1658**

Amend **HOUSE BILL NO. 1658** as originally introduced:

Page 6, line 19, delete "(a) and (b)"

AND

Page 6, delete line 21 and substitute the following:

"9-27-306. Jurisdiction.

(a) The juvenile circuit court shall have exclusive"

AND

Page 6, delete lines 33 through 36 and Page 7, delete lines 1 through 9 and substitute the following:

"to the Department of Human Services; and

(6) The court shall retain jurisdiction to issue orders of adoption, interlocutory or final, if a juvenile is placed outside the State of Arkansas.

~~(b) The juvenile court shall have exclusive jurisdiction of the following matters, governed by other law, that arise during the pendency of original proceedings under subsection (a) of this section and involve the same juvenile:~~

~~(1) Adoptions under the Revised Uniform Adoption Act, § 9-9-201 et seq.;~~

~~(2) Guardianships under § 28-65-201 et seq.; or~~

~~(3) Uniform Interstate Family Support Act proceedings, § 9-17-101 et seq.~~

~~(c) The juvenile court shall have concurrent jurisdiction with probate court for civil commitment of juveniles.~~

~~(d) The juvenile court shall have concurrent jurisdiction with the chancery court for proceedings for the establishment of paternity, custody, visitation, or support of a juvenile alleged to be illegitimate.~~

~~(e)(1) The juvenile court shall have concurrent jurisdiction with municipal court for juvenile curfew ordinance violations.~~

~~(2) The prosecuting authority may file a family in need of services petition in juvenile court or a citation in municipal court.~~

(b) The assignment of cases to the juvenile division of circuit court shall be as described by the Arkansas Supreme Court in Administrative Order Number 14.

(c)(1) The circuit court shall have concurrent jurisdiction with the district court over juvenile curfew violations.

(2) For juvenile curfew violations, the prosecutor may file a FINS petition in circuit court or a citation in district court.

~~(f)(d)~~ The juvenile circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state which are transferred to it pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq."

AND

Page 9, delete lines 33 and 34 and substitute the following:

"(B)(i) The dependency-neglect adjudication hearing shall be held within thirty (30) days after the probable case hearing under § 9-27-315, but on motion of the court and parties"

AND

Page 10, line 2, delete "hearing." and substitute "hearing under § 9-27-315."

AND

Page 13, delete lines 30 through 33 and substitute the following:

~~"(C) In all cases in which both commitment and transfer of legal custody are ordered by the court in the same order, transfer of custody will be entered only upon compliance with the provisions of §§ 9-27-310, 9-27-312, 9-27-316, 9-27-327, and 9-27-328;"~~

AND

Page 13, line 34 delete "(ii)" and substitute "(C)"

AND

Page 22, delete line 7 and substitute the following:

"(2) Placement or custody of a juvenile in the home of a relative shall not relieve the department of its responsibility to actively implement the goal of the case.

(3) If the relative meets all relevant child protection"

AND

Page 22, line 15, delete "(3)" and substitute "(4)"

AND

Page 22, line 20, delete "(4)" and substitute "(5)"

/s/ Joyce Dees

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 1851** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1851**

Amend **HOUSE BILL NO. 1851** as originally introduced:

Page 2, line 4 delete "contractual provision."

/s/ John Verkamp

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 1655** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1655**

Amend **HOUSE BILL NO. 1655** as originally introduced:

Page 2, delete lines 7 through 11

AND

Re-letter subsequent subsections

AND

Page 2, delete lines 22 through 25

AND

Re-number subsequent subdivisions

AND

Page 2, line 26 delete "owner or"

/s/ John Verkamp

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Judy, **HOUSE BILL NO. 1694** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1694**

Amend **HOUSE BILL NO. 1694** as engrossed, H3/17/03:

Add Representatives Dees, Jones, Elliott, Lewellen, Green, Roebuck, Goss, Clemons, Wood, J. Johnson, Martin, Walters, and Dobbins as cosponsors of the bill

/s/ Jan Judy

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 1074** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1074**

Amend **HOUSE BILL NO. 1074** as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 12-12-1101 is amended to read as follows:

12-12-1101. Short title.

This subchapter shall be known and may be cited as the "~~DNA Detection of Sexual and Violent Offenders~~ State Convicted Offender DNA Database Act".

SECTION 2. Arkansas Code § 12-12-1103 is amended to read as follows:

12-12-1103. Definitions.

As used in this subchapter:

(1) "Adjudication of guilt" and words of similar import mean a plea of guilty, a plea of nolo contendere, a negotiated plea, a finding of guilt by a judge, or a finding of guilt by a jury;

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

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

(3)(A) "CODIS" means the Federal Bureau of Investigation's national deoxyribonucleic acid (DNA) identification index system that allows the storage and exchange of deoxyribonucleic acid (DNA) records submitted by state and local forensic laboratories.

(B) The term is derived from Combined DNA Index System;

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

(5)(A) "DNA" means deoxyribonucleic acid.

(B)(i) Deoxyribonucleic acid (DNA) is located in the cells and provides an individual's personal genetic blueprint.

(ii) Deoxyribonucleic acid (DNA) encodes genetic information that is the basis of human heredity and forensic identification;

(6)(A) "Deoxyribonucleic acid (DNA) record" means deoxyribonucleic acid (DNA) identification information stored in the State DNA Data Base or CODIS for the purpose of generating investigative leads or supporting statistical interpretation of deoxyribonucleic acid (DNA) test results.

(B) The deoxyribonucleic acid (DNA) record is the result obtained from the deoxyribonucleic acid (DNA) typing tests.

(C) The deoxyribonucleic acid (DNA) record is composed of the characteristics of a deoxyribonucleic acid (DNA) sample which are of value in establishing the identity of individuals.

(D) The results of all deoxyribonucleic acid (DNA) identification tests on an individual's deoxyribonucleic acid (DNA) sample are also collectively referred to as the deoxyribonucleic acid (DNA) profile of an individual;

(7) "Deoxyribonucleic acid (DNA) sample" means a blood or tissue sample provided by any person with respect to offenses covered by this subchapter or submitted to the State Crime Laboratory for analysis or storage or both;

(8) "FBI" means the Federal Bureau of Investigation;

(9) "Qualifying Offense" means any felony offense as defined in the Arkansas Criminal Code, §§ 5-1-101 et seq. or a sexual offense classified as a misdemeanor as defined by Arkansas Criminal Code, §§ 5-1-101 et seq. or a repeat offense as defined in this section; and

~~(9)~~(10) "Repeat offense" means a second or subsequent adjudication of guilt in a separate criminal action for the commission of any misdemeanor or felony offense involving violence as set forth in Arkansas law, the law of another state, federal law, or military law;.

(10) "Sex offense" means:

(A)(i) ~~Rape — § 5-14-103;~~

(ii) ~~Carnal abuse in the first degree — § 5-14-104;~~

(iii) ~~Carnal abuse in the second degree — § 5-14-105;~~

(iv) ~~Carnal abuse in the third degree — § 5-14-106;~~

(v) ~~Sexual misconduct — § 5-14-107;~~

(vi) ~~Sexual abuse in the first degree — § 5-14-108;~~

(vii) ~~Sexual abuse in the second degree — § 5-14-109;~~

(viii) ~~Sexual solicitation of a child — § 5-14-110;~~

(ix) ~~Violation of a minor in the first degree — § 5-14-120;~~

(x) ~~Violation of a minor in the second degree — § 5-14-~~

~~121;~~

(xi) ~~Incest — § 5-26-202;~~

(xii) ~~Engaging children in sexually explicit conduct for use in visual or print medium — § 5-27-303;~~

(xiii) ~~Transportation of minors for prohibited sexual conduct — § 5-27-305;~~

(xiv) ~~Employing or consenting to use of child in sexual performance — § 5-27-402;~~

(xv) ~~Producing, directing, or promoting sexual performance — § 5-27-403;~~

(xvi) ~~Promoting prostitution in the first degree — § 5-70-104;~~

(xvii) ~~Stalking — § 5-71-229;~~

(B) ~~An attempt, solicitation, or conspiracy to commit any of the offenses enumerated in subdivision (10)(A) of this section; or~~

(C) ~~A violation of any former law of this state which is substantially equivalent to any of the offenses enumerated in subdivision (10)(A) of this section; and~~

(11) "Violent offense" means:

(A)(i) ~~Murder — § 5-10-101, 5-10-102, or 5-10-103;~~

(ii) ~~Manslaughter — § 5-10-104;~~

(iii) ~~Robbery — § 5-12-102;~~

(iv) ~~Aggravated robbery — § 5-12-103;~~

(v) ~~Battery in the first degree — § 5-13-201;~~

(vi) ~~Battery in the second degree — § 5-13-202;~~

(vii) ~~Aggravated assault — § 5-13-204;~~

301;

(viii) ~~Terroristic threatening in the first degree — § 5-13-~~

(ix) ~~Domestic battering — §§ 5-26-303 — 5-26-305;~~

(x) ~~Aggravated assault on family or household member —~~  
~~§ 5-26-306;~~

(xi) ~~Engaging in a continuing criminal gang, organization,~~  
~~or enterprise — § 5-74-104;~~

(xii) ~~Kidnapping — § 5-11-102;~~

(xiii) ~~False imprisonment in the first degree — § 5-11-103;~~

(xiv) ~~Permanent detention or restraint — § 5-11-106;~~

(B) ~~An attempt, solicitation, or conspiracy to commit any of~~  
~~these enumerated offenses; or~~

(C) ~~A violation of any former law of this state which is~~  
~~substantially equivalent to any of the offenses enumerated in subdivision (11)(A) of~~  
~~this section.~~

SECTION 3. Arkansas Code § 12-12-1105 is amended to read as follows:

12-12-1105. State DNA Data Base.

(a)(1) There is established the State DNA Data Base.

(2) It shall be administered by the State Crime Laboratory and provide deoxyribonucleic acid (DNA) records to the Federal Bureau of Investigation for storage and maintenance in CODIS.

(b) The State DNA Data Base shall have the capability provided by computer software and procedures administered by the State Crime Laboratory to store and maintain deoxyribonucleic acid (DNA) records related to:

(1) ~~Forensic casework~~ Crime scene evidence and forensic casework;

(2) ~~Offenders who are required to provide a deoxyribonucleic acid (DNA) sample under this subchapter~~ Convicted offenders and juveniles adjudicated delinquent who are required to provide a DNA sample under this subchapter;

(3) Offenders who were required to provide a deoxyribonucleic acid (DNA) sample under former § 12-12-1101 et seq. (repealed); and

(4) Anonymous deoxyribonucleic acid (DNA) records used for ~~research or~~ forensic validation, quality control, or establishment of a population statistics database;

(5) Unidentified persons or body parts; and

(6) Relatives of missing persons.

SECTION 4. Arkansas Code §§ 12-12-1109 through 12-12-1111 are amended to read as follows:

12-12-1109. DNA sample required upon adjudication of guilt.

(a) Adjudication of guilt. A person who is adjudicated guilty or adjudicated delinquent for a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ on or after August 1, 1997, shall have a deoxyribonucleic acid (DNA) sample drawn as follows:

(1)(A) A person who is adjudicated guilty or adjudicated delinquent for a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ and sentenced to a term of confinement for that ~~sex offense, violent offense, residential or commercial burglary under § 5-39-201(a) or (b), or repeat qualifying offense~~ shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to a prison, jail, juvenile detention facility, or any other detention facility or institution.

(B) If the person is already confined at the time of sentencing, the person shall have a deoxyribonucleic acid (DNA) sample drawn immediately after the sentencing;

(2)(A) A person who is adjudicated guilty or adjudicated delinquent for a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ shall have a deoxyribonucleic acid (DNA) sample drawn as a condition of any sentence in which disposition will not involve an intake into a prison, jail, juvenile detention facility, or any other detention facility or institution;

(B) The agency supervising the convicted offender shall determine the time and collection of the DNA sample.

(3) A person who is acquitted on the grounds of mental disease or defect of the commission of a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ and committed to an institution or other facility shall have a deoxyribonucleic acid (DNA) sample drawn upon intake to that institution or other facility; and

(4) Under no circumstance shall a person who is adjudicated guilty or adjudicated delinquent for a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ be released in any manner after such disposition unless and until a deoxyribonucleic acid (DNA) sample has been drawn.

(b) Adjudication of guilt before August 1, 1997. A person who has been adjudicated guilty or adjudicated delinquent for a ~~sex offense, a violent offense, a residential or commercial burglary under § 5-39-201(a) or (b), or a repeat qualifying offense~~ before August 1, 1997, and who is still serving a term of confinement in connection therewith on August 1, 1997, shall not be released in any manner prior to the expiration of his maximum term of confinement unless and until a

deoxyribonucleic acid (DNA) sample has been drawn.

(c) Supervision of deoxyribonucleic acid (DNA) samples. All deoxyribonucleic acid (DNA) samples taken pursuant to this section shall be taken in accordance with regulations promulgated by the State Crime Laboratory in consultation with the Department of Correction, the Department of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

(d) Interstate transfer on parole or probation.

(1) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of an offense in any other jurisdiction which would be considered a qualifying offense as defined in § 12-12-1103 if committed in this state, or if the person was convicted of an equivalent offense in any other jurisdiction.

(2) The person shall provide the DNA sample in accordance with the rules of the custodial institution or supervising agency.

(e) Applicability and additional sample.

(1) The requirements of this subchapter are mandatory and apply regardless of whether a court advises a person that a DNA sample must be provided to the State DNA databank and database as a condition of probation or parole.

(2) A person who has been sentenced to death or life without the possibility of parole, or to any life or indeterminate term of incarceration is not exempt from the requirements of this subchapter.

(3) Any person subject to this subchapter, who has not provided a DNA sample for any reason, including the person's release prior to the effective date of this subsection, an oversight, or because of the person's transfer from another jurisdiction, shall give a DNA sample for inclusion in the State DNA database after being notified by the supervising agency.

(4) In the event that a person's DNA sample is not adequate for any reason, the person shall provide another DNA sample for analysis.

12-12-1110. Procedures of withdrawal, collection, and transmission of DNA samples.

(a) ~~Drawing of~~ Taking deoxyribonucleic acid (DNA) samples.

(1)(A) Each deoxyribonucleic acid (DNA) sample required to be ~~drawn~~ taken pursuant to § 12-12-1109 from persons who are incarcerated shall be drawn at the place of incarceration or confinement as provided for in § 12-12-1109 taken by the agency supervising the convicted offender.

(B) Deoxyribonucleic acid (DNA) samples from persons who are not committed or sentenced to a term of confinement shall be drawn at another facility to be specified by the sentencing court.

(C) Only those individuals qualified to draw deoxyribonucleic acid (DNA) samples in a medically approved manner shall draw a deoxyribonucleic acid (DNA) sample to be submitted for analysis.

(2) In addition to the deoxyribonucleic acid (DNA) sample, a right thumbprint shall be taken from the person from whom the deoxyribonucleic acid (DNA) sample is drawn for the exclusive purpose of verifying the identity of the person.

(3) Contracting with third parties. The agency or institution having custody or control or the agency providing supervision of persons convicted or adjudicated delinquent for qualifying offenses, as appropriate, is authorized to contract with third parties to provide for the collection of the DNA samples.

(b) Delivery of deoxyribonucleic acid (DNA) samples. The deoxyribonucleic acid (DNA) sample and the right thumbprint provided for in subdivision (a)(2) of this section shall be delivered to the State Crime Laboratory in accordance with guidelines established by the State Crime Laboratory.

(c) Limitation on liability.

(1) Persons authorized to draw blood by this section shall not be criminally liable for drawing a deoxyribonucleic acid (DNA) sample and transmitting the deoxyribonucleic acid (DNA) sample pursuant to this subchapter if they perform these activities in good faith.

(2) Persons authorized to draw blood by this section shall not be civilly liable for such activities when the persons acted in a reasonable manner and according to generally accepted medical and other professional practices.

(d) Reasonable use of force.

(1) Authorized law enforcement and corrections personnel may employ reasonable force in cases where an individual refuses to submit to deoxyribonucleic acid (DNA) testing authorized under this subchapter.

(2) No such employee shall be criminally or civilly liable for the use of reasonable force.

(e) Refusal to provide deoxyribonucleic acid (DNA) sample.

(1) Any person who refuses to provide a deoxyribonucleic acid (DNA) sample required by this subchapter will receive no further sentence reduction from meritorious good time until such time as a sample is provided, and the Department of Correction shall notify the Post Prison Transfer Board regarding the refusal.

(2) Any person who is subject to this subchapter, and who, after

receiving notification of the requirement to provide a DNA sample, knowingly refuses to provide the DNA sample, shall be guilty of a Class D felony.

12-12-1111. Procedures for conduct, disposition, and use of DNA analysis.

(a) Conduct.

(1) The State Crime Laboratory shall adopt rules governing the procedures to be used in the submission, identification, analysis, storage, and disposition of deoxyribonucleic acid (DNA) samples and typing results of deoxyribonucleic acid (DNA) samples submitted under this subchapter.

(2) These procedures shall also include quality assurance guidelines to ensure that deoxyribonucleic acid (DNA) identification records meet standards for laboratories which submit deoxyribonucleic acid (DNA) records to the State DNA Data Base.

(b) Disposition. The typing results of deoxyribonucleic acid (DNA) samples shall be securely stored in the State DNA Data Base and records of testing shall be retained on file with the State Crime Laboratory consistent with the procedures established by the Federal Bureau of Investigation.

(c) Use of tests.

(1) Except as otherwise provided in § 12-12-1112, the tests to be performed on each deoxyribonucleic acid (DNA) sample shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human remains from disasters or for other humanitarian identification purposes, including identification of missing persons.

(2) The results of the analysis conducted pursuant to this subchapter from a person adjudicated delinquent may be used for any law enforcement agency identification purpose, including adult prosecution.

(3) Mistakes do not invalidate a database match. The detention, arrest, or conviction of a person based on a database match or database information is not invalidated if the sample was obtained or placed in the database by mistake.

(d) Contracting. (1) The State Crime Laboratory is authorized to contract with third parties for purposes of this subchapter.

(2) Any other party contracting to carry out the functions of this subchapter shall be subject to the same restrictions and requirements of this subchapter, insofar as applicable, as the State Crime Laboratory as well as any additional restrictions imposed by the State Crime Laboratory.

SECTION 5. Arkansas Code §§ 12-12-1114 and 12-12-1115 are amended to read as follows:

12-12-1114. Confidentiality.

(a) All deoxyribonucleic acid (DNA) profiles and samples submitted to the

State Crime Laboratory pursuant to this subchapter shall be treated as confidential except as otherwise provided in this subchapter.

(b) All DNA records and DNA samples submitted to the State Crime Laboratory pursuant to this subchapter are exempt from the Freedom of Information Act of 1967, §§ 25-19-101 et seq.

12-12-1115. Prohibition against disclosure.

(a)(1) Any person who by virtue of employment, or official position, or any person contracting to carry out any functions under this subchapter, including any officers, employees, and agents of such contractor, who has possession of, or access to, individually identifiable deoxyribonucleic acid (DNA) information contained in the State DNA Data Base or State DNA Data Bank shall not disclose it in any manner to any person or agency not entitled to receive it knowing that such person is not entitled to receive it.

(2) No person shall obtain individually identifiable deoxyribonucleic acid (DNA) information from the State DNA Data Base or the State DNA Data Bank without authorization to do so.

(3) In order to maintain the computer system security of the State Crime Laboratory, DNA database, and DNA databank program, the computer software, and database structures used by the State Crime Laboratory to implement this subchapter are confidential.

(b) Any person who knowingly violates this section is guilty of a Class A misdemeanor.”

/s/ John Verkamp

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Bradford, **HOUSE BILL NO. 2763** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2763**

Amend **HOUSE BILL NO. 2763** as originally introduced:

Page 1, delete lines 22 through 30 and substitute the following:

“SECTION 1. Arkansas Code § 7-6-223 is amended to read as follows:

7-6-223. Reports of contributions by political parties.

(a)(1) Organized political parties Within fifteen (15) calendar days after the end of each calendar quarter, each political party as defined in § 7-1-101(16) shall file ~~an annual~~ a quarterly report with the Secretary of State ~~no later than January 15 of each year beginning in 1998,~~ providing the name, address, employer, and occupation of each person who made a contribution or contributions to the political party or any authorized committee, which in the aggregate exceeded ~~two hundred and fifty dollars (\$250)~~ fifty dollars (\$50.00) in the preceding calendar ~~year~~ quarter.

(2) The report shall include:

(A) the The date and amount of each such contribution;

(B) The total amount of money disbursed by the political party;

and

(C) An itemization including the amount of the disbursement, the name and address of the person to whom the disbursement was made, and the date the disbursement was made for each single disbursement that exceeds one hundred dollars (\$100).

(b)(1) Within fifteen (15) calendar days after the end of each calendar quarter, each political party caucus of the General Assembly, the Senate, or the House of Representatives shall file a quarterly report with the Secretary of State providing the name, address, employer, and occupation of each person who made a contribution or contributions to the political party caucus, that in the aggregate exceeded fifty dollars (\$50.00) in the preceding calendar quarter.

(2) The report shall include:

(A) The date and amount of each contribution;

(B) The total amount of money disbursed by the political party

caucus; and

(C) An itemization including the amount of the disbursement, the name and address of the person to whom the disbursement was made, and the date the disbursement was made for each single disbursement that exceeds one hundred dollars (\$100)."

/s/ Jay Bradford

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Bright, **HOUSE BILL NO. 2451** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2451**

Amend **HOUSE BILL NO. 2451** as originally introduced:

Page 1, line 9, delete "CITING" and substitute "SITING"

AND

Page 1, line 16, delete "CITING" and substitute "SITING"

AND

Page 1, line 29, delete "River" and substitute "River in a county with a population of two hundred fifty thousand (250,000) or more according to the latest federal decennial census"

AND

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

"(a) Notwithstanding any and all laws regarding the mining and dredging of sand and gravel, no sand and gravel operation shall be located and operated within a zone of five hundred feet (500') in any direction of a residential area or neighborhood, a school, or a child care facility.

(b)(1) The prohibition of subsection (a) of this section shall not apply to:

(A) Any activities associated with maintaining the authorized channel depth of the McClellan-Kerr Arkansas River Navigation System; or

(B) Any sand and gravel operation that was actively dredging, storing, or transporting sand and gravel on January 1, 2003.

(2) However, any expansion of a sand and gravel operation existing on January 1, 2003, shall be subject to the prohibitions of subsection (a) of this section and the other requirements of this act."

AND

Page 2, delete lines 17 through 23, and substitute the following:

“(a)(1) In a municipality with a zoning ordinance, the municipality shall establish, by ordinance, a zoning requirement to create a safe zone around residential areas or neighborhoods, schools, or child care facilities of the state and a permit system for locating sand and gravel operations within the municipality to enforce the requirements of this act.

(2) In municipalities without a zoning ordinance, the mayor shall issue permits to sand and gravel operations only in those areas that are beyond the safe zone around residential areas or neighborhoods, schools, or child care facilities.

(3) In the unincorporated area of a county, the county judge shall issue permits to sand and gravel operations only in those areas that are beyond the safe zone around residential areas or neighborhoods, schools, or child care facilities of the state.

(b) A municipality or a county shall have the authority to set and charge a permit fee to recover the cost of issuing the permits required under this section.

(c)(1) In areas along the Arkansas River without local zoning authority, the State Land Commissioner shall enforce this act through a lease condition for the five hundred foot (500’) safe zone around residential areas or neighborhoods, schools, or child care facilities.

(2) The lease shall contain conditions to require the safe zone for all the land based storage, loading and unloading, and transportation facilities under the state issued lease for the extraction of sand and gravel from the bed of the Arkansas River.”

/s/ S. Bright

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. 2641** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2641

Amend **HOUSE BILL NO. 2641** as originally introduced:

Page 3, line 24 after "typed name," and before "residence" insert "voting"

AND

Page 5, line 4 delete "by" and substitute "my"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 1015** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1015

Amend **HOUSE BILL NO. 1015** as engrossed, H1/30/03:

Page 1, delete line 32 and substitute the following:

"candidate to ~~sign and~~ file the pledge shall be justifiable grounds to keep prevent"

AND

Page 2, delete lines 10 through 15

/s/ Barbara King

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. 2392** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2392**

Amend **HOUSE BILL NO. 2392** as originally introduced:

Page 1, delete lines 30 through 36 and substitute the following:

“(B) As a certified health provider, enrolled in the State Medicaid Program pursuant to Title XIX of the Social Security Act, as amended, or the fiscal agent of such a provider, employs, or engages as an independent contractor, or engages as a consultant, or otherwise permits the participation in the business activities of such provider, any person who has plead guilty or nolo contendere to, or has been found guilty of, a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code.”

/s/ Bill Stovall

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. 2868** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2868**

Amend **HOUSE BILL NO. 2868** as originally introduced:

Page 2, delete lines 5 through 11 and substitute the following:

“(B) As a certified health provider, enrolled in the State Medicaid Program pursuant to Title XIX of the Social Security Act, as amended, or the fiscal agent of such a provider, employs, or engages as an independent contractor, or engages as a consultant, or otherwise permits the participation in the business activities of such provider, any person who has plead guilty or nolo contendere to, or has been found guilty of, a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code.”

/s/ Bill Stovall

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. 2409** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2409**

Amend **HOUSE BILL NO. 2409** as originally introduced:

Delete everything after the enactment clause and substitute the following:

“SECTION 1. Arkansas Code § 23-17-412(i)(1), concerning rate increases for non-tier one rural telephone companies, is amended to read as follows:

(i)(1) The commission on its own motion may review basic local exchange service rates of any company subject to this section if the company has increased the rates by more than the greater of fifteen percent (15%) or two dollars (\$2.00) per access line per month within any consecutive twelve-month period, excluding rate increases ordered by the commission pursuant to § 23-17-404 or rate increases resulting from the provision of extended area services required as the result of customer election under commission rules.

SECTION 2. Arkansas Code § 23-17-407(b)(1), concerning regulation of rates for basic local exchange service and switched access service of electing companies, shall be amended to read as follows:

(b)(1) After the expiration of the three year period, the rates for basic local exchange services and switched-access services, excluding the intrastate carrier common line charge, may be adjusted by the electing company filing a price list with the commission, as long as the rates remain at or below the inflation-based rate cap or the rate increase results from the provision of extended area services required as the result of customer election under commission rules.

SECTION 3. Arkansas Code Title 23, Chapter 17, Subchapter 4, is amended to add a new section read as follows:

23-17-414. Extended area service.

(a) The commission shall promulgate rules that enable customers in a local exchange service area to petition the commission directly, or by a resolution of the customers' quorum court or other local governing body, to request that an ILEC provide extended area service.

(b)(1) The rules relating to the provision of extended area shall include:

(A) The procedure by which customers may petition the commission for an election on the provision of extended area service;

(B) The information required for the commission to verify that the rate to be charged for providing extended area service will be just and reasonable;

(C) Notice requirements to customers regarding the rate, terms, and conditions under which extended area service would be provided as a result of a scheduled election under subsection (a) of this section; and

(D) The procedure for conducting an election under subsection (a) of this section, and for determining whether extended area service will be provided as a result of the election.

(2) After the initial election and adoption of extended area service, no subsequent change in the rate charged for the provision of extended area service shall be effective unless adopted under the commission's rules promulgated to implement this section.

(c) If the affected customers vote in favor of instituting or renewing extended area service under this section, the carrier shall implement extended area service at a rate that is consistent with subdivision (b)(1)(B) of this section."

/s/ Bill Stovall

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Penix, **HOUSE BILL NO. 2834** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2834**

Amend **HOUSE BILL NO. 2834** as originally introduced:

Page 2, delete lines 18 through 22, and substitute the following:

"No public school in the state shall use nonconforming vans, as defined by the federal motor vehicle safety standards in existence on January 1, 2003, to transport students to or from school or to any school related activity."

AND

Page 3, line 25 insert the following:

"SECTION 9. Arkansas Code Title 6, Chapter 20, Subchapter 3 is amended to add an additional section to read as follows:

6-20-328. Abstract of assessment.

(a) By March 15 in each calendar year, the county clerk of each county shall transmit to the Department of Education the abstract of assessment for the previous calendar year's assessments for collection in the current year.

(b) This abstract shall show, by class of property and value, the total assessment of each school district in the county and the millage rate charged after all adjustments ordered by the county equalization board and the county court have been made.

SECTION 10. Arkansas Code § 6-15-902(d) and (e), pertaining to the grading scale used by public schools, is amended to read as follows:

~~(d) A notation shall be made on a student's transcript to indicate each special education class included on the transcript.~~

~~(e)~~(d) A school district shall have the option of using the grading scale in this section in the district's elementary schools."

/s/ Kevin Penix

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 2322** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2322**

Amend **HOUSE BILL NO. 2322** as originally introduced:

Page 1, delete lines 9 through 13 and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE § 26-53-106 TO ELIMINATE THE REQUIREMENT THAT PROPERTY "COME TO REST" IN THE STATE OR "BECOME COMMINGLED" WITH PROPERTY IN THE STATE IN ORDER TO BE SUBJECT TO USE TAX; AND FOR OTHER PURPOSES."

AND

Page 2, delete lines 23 and 24.

/s/ John Verkamp

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative R. Smith, **HOUSE BILL NO. 2254** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2254

Amend **HOUSE BILL NO. 2254** as originally introduced:

Delete the title and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE § 23-88-306 PERTAINING TO RURAL RISK UNDERWRITING; AND FOR OTHER PURPOSES."

And

Delete the subtitle and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE § 23-88-306 PERTAINING TO RURAL RISK UNDERWRITING."

AND

Delete Section 1 and substitute the following:

"SECTION 1. Arkansas Code § 23-88-306 is amended by adding an additional subsection to read as follows:

(d)(1) The Insurance Commissioner shall assess all members two hundred dollars (\$200) initially for the expenses of mailing fire department renewal subscription notices and such amounts thereafter, on an annual basis, to meet the costs of the mailings.

(2) This subsection expires on December 31, 2006.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that fire is one of the leading causes of loss in the state, and that funding of fire departments is essential to combat these losses. 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/ R. Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative R. Smith, **HOUSE BILL NO. 2770** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2770**

Amend **HOUSE BILL NO. 2770** as originally introduced:

Page 1, delete lines 23 and 24 and substitute the following:

"(a) Any insurance company licensed to write property insurance in Arkansas, shall"

AND

Delete Section 4

AND

Appropriately renumber the subsequent sections of the bill

AND

Page 2, line 12, delete "In" and substitute "(a) In"

AND

Page 2, line 20, delete "are used to determine your homeowner's" and substitute "have an impact on your property"

AND

Page 2, line 24, insert the following:

"(b) The notice prescribed by subsection (a) of this section shall be in twelve (12) point type or larger."

/s/ R. Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Creekmore, **HOUSE BILL NO. 2580** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2580**

Amend **HOUSE BILL NO. 2580** as originally introduced:

Page 1, line 25, delete "utility" and substitute "provider"

AND

Page 2, delete lines 32 through 34 and substitute the following:

"(11)(A) Displaying or causing to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service.

(B) Subdivision (a)(11)(A) of this section does not apply to the transmission of caller identification service by a telecommunications provider."

AND

Page 3, line 4, delete "utility" and substitute "provider"

AND

Page 3, delete lines 12 through 14 and substitute the following:

"(c)(1) No telephonic seller under this section shall display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service.

(2) Subdivision (c)(1) of this section does not apply to the transmission of caller identification service by a telecommunications provider."

AND

Page 4, line 11, delete "utility" and substitute "provider"

AND

Page 4, delete lines 22 through 25 and substitute the following:

"(2)(A) It is a violation of this subchapter for any person making or transmitting a telephone solicitation by any method to display or cause to be displayed a fictitious or misleading name or telephone number on an Arkansas resident's telephone caller identification service.

(B) Subdivision (a)(2)(A) of this section does not apply to the transmission of caller identification service by a telecommunications provider."

/s/ Mike Creekmore

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 2598** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2598**

Amend **HOUSE BILL NO. 2598** as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. This act shall be known as the “Arkansas Home Loan Protection Act”.

SECTION 2. (a) The General Assembly finds that:

(1) Abusive mortgage lending has become an increasing problem in this state, exacerbating the loss of equity in homes and causing the number of foreclosures to increase in recent years.

(2) One of the most common forms of abusive lending is the making of loans that are equity based, rather than income based;

(3) The financing of points and fees in the loans provides immediate income to the originator and encourages lenders to repeatedly refinance home loans;

(4) The lender’s ability to sell loans reduces the incentive to ensure that the homeowner can afford the payments of the loan;

(5) As long as there is sufficient equity in the home, an abusive lender benefits even if the borrower is unable to make the payments and is forced to refinance;

(6) The financing of high points and fees causes the loss of precious equity in each refinancing and often leads to foreclosure;

(7) Abusive lending has threatened the viability of many communities and caused decreases in homeownership;

(8) While the marketplace appears to operate effectively for conventional mortgages, too many homeowners find themselves victims of overreaching lenders who provide loans with unnecessarily high costs and terms that are unnecessary to secure repayment of the loan; and

(9) As competition and self regulation have not eliminated the abusive terms from home secured loans, the consumer protection provisions of this act are necessary to encourage lending at reasonable rates with reasonable terms.

(b) This act shall be liberally construed to:

(1) Effectuate its purpose of protecting the homes and the equity of individual borrowers; and

(2) As a consumer protection statute for all purposes.

SECTION 2. Definitions.

As used in this act:

(1) "Affiliate" means any company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956, 12 U.S.C. § 1841 et seq., as it existed on March 1, 2003, as of the effective date of this act;

(2) "Annual percentage rate" means the annual percentage rate for the loan calculated according to the provisions of the federal Truth-in-Lending Act, 15 U.S.C. § 1601, et seq., as it existed on March 1, 2003, and the regulations promulgated thereunder by the Federal Reserve Board;

(3) "Bona fide loan discount points" means loan discount points knowingly paid by the borrower for the purpose of reducing, and which in fact result in a bona fide reduction of the interest rate or time price differential applicable to the loan, provided the amount of the interest rate reduction purchased by the discount points is reasonably consistent with established industry norms and practices for secondary mortgage market transactions;

(4) "Creditor" means any person or entity who participates in the original making or approving of a high cost home loan; and

(5)(A) "High cost home loan" means a loan, including an open end credit plan, but other than a reverse mortgage transaction, bridge or construction loan, or a loan made for the purchase of a one (1) to four (4) family residential structure that is secured by a first lien on the structure, in which:

(i) The total loan amount does not exceed one hundred fifty thousand dollars (\$150,000);

(ii) The borrower is a natural person;

(iii) The debt is incurred by the borrower primarily for personal, family, or household purposes;

(iv) The loan is secured by a mortgage or deed of trust on real estate upon which there is located a structure or structures designed principally for the occupancy of from one (1) to four (4) families which is or will be occupied by the borrower as the borrower's principal dwelling; and

(v) The terms of the loan meet or exceed one or more of the thresholds as defined in subsection (7) of this section;

(B) "High cost home loan" does not include any loan which within sixty (60) days after closing will be insured by, securitized for, or sold to a government agency or government sponsored enterprise, including the Department of Housing and Urban Development, the Department of Veterans Affairs, Federal Home Loan Mortgage Corp., Federal National Mortgage Association, the Arkansas Development Finance Authority, and the United States Department of Agriculture, or that the lender can demonstrate was in good faith intended to be so insured by, securitized for, or sold to the government agency or government sponsored enterprise.

(6) "Points and fees" means:

(A) All items required to be disclosed under sections 226.4 (a) and 226.4 (b) of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, except interest or the time-price differential, unless those items are exempt from disclosure under sections 226.4(c), (d), (e), or (f) of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, except for the items listed under section 226.4(c)(7), as it existed on March 1, 2003, the inclusion or exclusion of which is governed by subsection (b) below;

(B) All charges for items listed under section 226.4 (c) (7) of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, but only if the lender receives direct or indirect compensation in connection with the charge or the charge is paid to an affiliate of the lender, but only by the amount the charge exceeds the charge for comparable items provided by a non affiliate of the lender at the time the loan is made; otherwise, the charges are not included within the meaning of the phrase "points and fees";

(C) All compensation paid directly by the borrower to a mortgage broker not otherwise included in subsections (a) or (b) of this subsection;

(D) The maximum prepayment fees and penalties which may be charged or collected under the terms of the loan documents; and

(E) "Points and fees" shall not include:

(i) Taxes, filing fees, recording and other charges and fees paid or to be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest; and

(ii) Fees paid to a person other than a lender or an affiliate of the lender or to the mortgage broker or an affiliate of the mortgage broker for the following:

(a) Fees for tax payment services;

(b) Fees for flood certification;

(c) Fees for pest infestation and flood determinations;

(d) Appraisal fees;

(e) Fees for inspections performed before closing;

(f) Credit reports;

(g) Surveys;

(h) Attorney's fees, if the borrower has the right to select the attorney from an approved list or otherwise;

(i) Notary fees;

(j) Escrow charges, so long as not otherwise included under subsection (a) of this subsection;

(k) Title insurance premiums; and

(l) Fire insurance and flood insurance premiums, if the conditions in section 226.4(d) (2) of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, are met.

(7) "Thresholds" means, without regard to whether the loan transaction is or may be a "residential mortgage transaction", as the term "residential mortgage transaction" is defined in section 226.2 (a) (24) of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, the annual percentage rate of the loan at the time the loan is consummated is such that the loan is a "mortgage" under section 152 of the Home Ownership and Equity Protection Act of 1994, Pub. Law 103-25, 15 U.S.C. § 1602(aa), and regulations adopted pursuant thereto by the Federal Reserve Board, including section 226.32 of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003:

(A) The total points and fees payable by the borrower at or before the loan closing exceed five percent (5%) of the total loan amount if the total loan amount is twenty thousand dollars (\$20,000) or more, or

(B)(i) The lesser of eight percent (8%) of the total loan amount or one thousand dollars (\$1,000), if the total loan amount is less than twenty thousand dollars (\$20,000);

(ii) The following discount points and prepayment fees and penalties shall be excluded from the calculation of the total points and fees payable by the borrower:

(a) Up to and including two (2) bona fide loan discount points payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate will be discounted does not exceed by more than one percentage point (1%) the required net yield for a ninety-day standard mandatory delivery commitment for a reasonably comparable loan from either Fannie Mae or the Federal Home Loan Mortgage Corporation, whichever is greater;

(b) Up to and including one (1) bona fide loan discount point payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate will be discounted does not exceed by more than two (2) percentage points the required net yield for a ninety-day standard mandatory delivery commitment for a reasonably comparable loan from either Fannie Mae or the Federal Home Loan Mortgage Corporation, whichever is greater; and

(c) Prepayment fees and penalties which may be charged or collected under the terms of the loan documents which do not exceed one percent (1%) of the amount prepaid, provided the loan documents do not permit the lender to charge or collect any prepayment fees or penalties more than thirty (30) months after the loan closing.

(8) "Total loan amount" means the same as the term "total loan amount" as used in section 226.32 of Title 12 of the Code of Federal Regulations, as they existed on March 1, 2003, and the same shall be calculated in accordance with the Federal Reserve Board's Official Staff Commentary thereto.

SECTION 3. Prohibited acts and practices regarding high cost home loans.

(a) Insurance and debt cancellation agreements. No creditor making a high cost home loan shall finance, directly or indirectly, any credit life, credit disability, credit unemployment or credit property insurance, or any other life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the creditor.

(b)(1) Flipping. No creditor may engage in the unfair act or practice of "flipping" a home loan.

(2) "Flipping" a loan is the making of a high cost home loan to a borrower that refinances an existing home loan when the new loan does not have reasonable, tangible net benefit to the borrower considering all of the circumstances, including the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances. In addition, the following home loan refinancings shall be presumed to be flippings if:

(A) The primary tangible benefit to the borrower is an interest rate lower than the interest rate(s) on debts satisfied or refinanced in connection with the home loan, and it will take more than four (4) years for the borrower to recoup the costs of the points and fees and other closing costs through savings resulting from the lower interest rate; or

(B) The new loan refinances an existing home loan that is a special mortgage originated, subsidized, or guaranteed by or through a state, tribal or local government, or nonprofit organization, which either bears a below-market interest rate at the time the loan was originated, or has nonstandard payment terms beneficial to the borrower, such as payments that vary with income, are limited to a percentage of income, or where no payments are required under specified conditions, and where, as a result of the refinancing, the borrower will lose one (1) or more of the benefits of the special mortgage.

(c) Recommendation of default. No creditor shall recommend or encourage default of an existing loan or other debt before and in connection with the closing or planned closing of a high cost home loan that refinances all or any portion of the existing loan or debt;

(d)(1) Call provision prohibition. No high cost home loan may contain a provision that permits the creditor, in its sole discretion, to accelerate the indebtedness.

(2) This subsection (d) does not prohibit acceleration of the loan in good faith due to the borrower's failure to abide by the material terms of the loan;

(e)(1) Fee for balance. No creditor, nor any assignee, may charge a fee in excess of twenty dollars (\$20) for transmitting to any person the balance due to pay off a high cost home loan or to provide a release upon prepayment.

(2) Payoff balances shall be provided within a reasonable time, but in any event no more than seven (7) business days after the request;

(f) Prepayment penalties limited. No prepayment penalties shall be included in the loan documents for a high cost home loan or charged to the borrower which exceed two percent (2%) of the loan amount prepaid, nor shall the penalties be imposed after two (2) years after the loan is closed;

(g)(1) No balloon payment. A high cost home loan having a term of less than ten (10) years may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

(2) This prohibition does not apply when the payment schedule is adjusted to account for the seasonal or irregular income of the obligor or if the purpose of the loan is a bridge loan connected with, or related to, the acquisition or construction of a dwelling intended to become the obligor's principal dwelling;

(h) No negative amortization. No high cost home loan may include payment terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of interest due;

(i)(1) No increased interest rate. No high cost home loan may contain a provision that increases the interest rate after default.

(2)(A) This subsection (i) does not apply to interest rate changes in a variable rate loan otherwise consistent with the provisions of the loan documents.

(B) The change in the interest rate is not triggered by the event of default or the acceleration of the indebtedness;

(j) No advance payments. No high cost home loan may include terms under which more than two (2) periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the borrower;

(k) No mandatory arbitration clause. No high cost home loan may be subject to a mandatory arbitration clause that limits in any way the right of the borrower to seek relief through the judicial process for any or all claims and defenses the borrower may have against the creditor, broker, or other party involved in the loan transaction.

(l) No lending without homeownership counseling. A creditor may not make a high cost home loan without first receiving certification from a third party counselor approved by the United States Department of Housing and Urban development (HUD), a state housing financing agency, or the regulatory agency which has jurisdiction over the creditor, that the borrower has received counseling on the advisability of the loan transaction;

(m) No lending without due regard to repayment ability. A creditor shall not make a high cost home loan unless the creditor reasonably believes at the time the loan is consummated that one or more of the obligors, when considered individually or collectively, will be able to make the scheduled payments to repay the obligation based upon a consideration of their current and expected income, current obligations, employment status, and other financial resources other than the borrower's equity in the dwelling which secures repayment of the loan;

(n) No financing prepayment fees or penalties. In making a high cost home loan, a lender may not directly or indirectly finance any prepayment fees or penalties payable by the borrower in a refinancing transaction if the lender or an affiliate of the lender is the noteholder of the note being refinanced;

(o) Home-Improvement Contracts. A creditor may not pay a contractor under a home-improvement contract from the proceeds of a high cost home loan, unless:

(1) The creditor is presented with a signed and dated completion certificate showing that the home improvements have been completed; and

(2) The instrument is payable to the borrower or jointly to the borrower and the contractor, or, at the election of the borrower, through a third-party escrow agent in accordance with terms established in a written agreement signed by the borrower, the creditor, and the contractor before the disbursement.

(p) No modification or deferral fees. A creditor may not charge a borrower any fees or other charges to modify, renew, extend, or amend a high cost home loan or to defer any payment due under the terms of a high cost home loan.

SECTION 4. Preservation and enforcement of claims and defenses, no subterfuge.

(a)(1) Liability of assignees and other holders in high-Cost home loans. Notwithstanding any provision of any other law, the remedies provided in this act apply to any person or entity who personally participated in the making or approving of the high cost home loan and who violated the requirements of this act.

(2)(A) Any person who purchases or is otherwise assigned a high cost home loan shall be subject to all affirmative claims and any defenses with respect to the loan that the borrower could assert against the original creditor or broker of the loan; however, if the purchaser or assignee demonstrates, by a preponderance of the evidence, that the purchaser or assignee exercised reasonable due diligence at the time of the purchase of the home loans, or within a reasonable time thereafter, intended to prevent the purchaser or assignee from purchasing or taking assignment of high cost home loans, then the purchaser or assignee shall have no liability to any person under this act.

(B) The liability of any person who purchases or is otherwise assigned a high cost home loan whose liability is established under this subsection, but who did not personally participate in the making or approving of the high-cost home loan, shall be limited to the amount of all remaining indebtedness of the borrower and the total amount paid by the borrower in connection with the transaction.

(C) Any person incurring liability as an assignee is entitled to full recourse against any previous assignee or against any person or entity who personally participated in making or approving the home loan for the full amount of liability sustained by the assignee.

(b) Liability of assignees in foreclosure action. Notwithstanding any provision of any other law, a borrower in default more than sixty (60) days or in foreclosure may assert a violation of this act by way of offset:

(1)(A) As an original action, in an individual action only, brought within two (2) years from the date of the occurrence of the violation;

(B) A borrower shall not be barred from asserting a violation in an action to collect the debt which was brought more than one (1) year from the date of the occurrence of the violation as a matter of defense by recoupment or set off in the action except as otherwise provided by law;

(2) As a defense or counterclaim to an action to collect amounts owed;

or

(3) To obtain possession of the home secured by the high cost home loan.

(c) No subterfuge. It is a violation of this act, for any person, who in bad faith attempts to avoid the application of this act by:

(1) Dividing any loan transaction into separate parts for this purpose,

or

(2) Any other subterfuge, with the intent of evading the provisions of this act.

#### SECTION 5. Enforcement.

(a)(1) Any violation of this act constitutes an unconscionable or deceptive act or practice as defined under Arkansas Code §§ 4-88-101 thru 4-88-115.

(2) Except as provided in section 4(a)(2)(A) or (B) of this act, any person found by a preponderance of the evidence to have violated this act shall be liable to the borrower for the following:

(A) Actual damages, including consequential and incidental damages; the borrower shall not be required to demonstrate reliance in order to receive actual damages;

(B) Statutory damages equal to twenty five percent (25%) of the finance charges agreed to in the home loan agreement, plus ten percent (10%) of the amount financed;

(C) Punitive damages, when the violation was malicious or reckless; and when otherwise allowable by applicable law;

(D) Costs and reasonable attorneys' fees;

(E) A borrower may be granted injunctive, declaratory, and other equitable relief as the court deems appropriate in an action to enforce compliance with this act.

(b) The intentional violation of this act renders the high cost home loan agreement void, and the creditor shall have no right to collect, receive, or retain any principal, interest, or other charges at all with respect to the loan, and the borrower may recover any payments made under the agreement;

(c) The right of rescission granted under 15 U.S.C. 1601 et seq., as they existed on March 1, 2003, for violations of that law and all other remedies provided under this act shall be available to a borrower by way of recoupment against a party foreclosing on the high cost home loan or collecting on the loan, at any time during the term of the loan;

(d) The remedies provided in this section are not intended to be the exclusive remedies available to a borrower, nor must the borrower exhaust any administrative remedies provided under this act or any other applicable law before proceeding under this section;

(e)(1) Corrections and unintentional violations. A creditor in a home loan who, when acting in good faith, fails to comply with the provisions of this act, will not be deemed to have violated this section if the creditor establishes that either:

(A) Within thirty (30) days of the loan closing, and before receiving any notice from the borrower of the compliance failure, the creditor has made appropriate restitution to the borrower, and appropriate adjustments are made to the loan; or

(B) Within sixty (60) days of the loan closing and before receiving any notice from the borrower of the compliance failure, and the compliance failure was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any errors, the borrower is notified of the compliance failure, appropriate restitution is made to the borrower, and appropriate adjustments are made to the loan; and

(2)(A) Examples of bona fide errors include clerical, calculation, computer malfunction and programming, and printing errors.

(B) An error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

(f) Cumulative. The remedies provided under this act are cumulative and independent of and in addition to any other rights under other laws."

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 2598** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 2598**

Amend **HOUSE BILL NO. 2598** as originally introduced:

Add Representatives Chesterfield, Clemons, Dobbins, Eason, Elliott, Goss, C. Johnson, Jones, Lewellen, Penix, Thomas, White, L. Prater, Edwards, Lendall, Walters, Judy, Napper and Hathorn as cosponsors of the bill

AND

Add Senators Wilkins, Brown, and Steele as cosponsors of the bill

/s/ Sam Ledbetter

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. 2644** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2644

Amend **HOUSE BILL NO. 2644** as originally introduced:

Page 1, delete line 34 and substitute the following:

"may assist the voter in operating the machine so as to vote the ballot in accordance with the wishes of the"

AND

Page 1, line 35 after "interpretation" insert ", and shall be permitted to keep the curtain of the machine closed no longer than five (5) minutes"

AND

Page 2, line 1 delete "marking the ballot" and substitute "operating the machine so as to vote the ballot"

AND

Page 2, line 2 after "interpretation" insert ", and shall be permitted to keep the curtain of the machine closed no longer than five (5) minutes"

/s/ Barbara King

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. 2903** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 2903**

Amend **HOUSE BILL NO. 2903** as originally introduced:  
Add Representatives C. Johnson, Green, Thomas, Elliott, Penix and Dickinson as cosponsors of the bill

/s/ Eric Harris

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

/s/ Ms. Jo Renshaw  
Chief Clerk

**ENGROSSED BILL REPORTS**

---

HERSCHEL W. CLEVELAND, CHAIRMAN

March 20, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1015 BY REPRESENTATIVE KING  
HOUSE BILL NO. 1074 BY REPRESENTATIVE VERKAMP  
HOUSE BILL NO. 1192 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1258 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1301 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1304 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1378 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1390 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1488-TITLE-BY REPRESENTATIVE MAHONY  
HOUSE BILL NO. 1516 BY REPRESENTATIVE PETRUS, ET AL  
HOUSE BILL NO. 1655 BY REPRESENTATIVE VERKAMP  
HOUSE BILL NO. 1658 BY REPRESENTATIVE DEES  
HOUSE BILL NO. 1692 BY REPRESENTATIVE BOLIN, ET AL  
HOUSE BILL NO. 1694-TITLE-BY REPRESENTATIVE JUDY, ET AL  
HOUSE BILL NO. 1739 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1830 BY JOINT BUDGET COMMITTEE  
HOUSE BILL NO. 1851 BY REPRESENTATIVE VERKAMP

ENGROSSED BILL REPORTS (continued)

HOUSE BILL NO. 2254-TITLE-BY REPRESENTATIVE R. SMITH

HOUSE BILL NO. 2262-TITLE-BY REPRESENTATIVE DEES, ET AL

HOUSE BILL NO. 2322-TITLE-BY VERKAMP, ET AL

HOUSE BILL NO. 2337 BY REPRESENTATIVE EASON, ET AL

HOUSE BILL NO. 2344 BY REPRESENTATIVE LEDBETTER

HOUSE BILL NO. 2361 BY REPRESENTATIVE WOOD

HOUSE BILL NO. 2392 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 2409 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 2433 BY REPRESENTATIVE HUTCHINSON

HOUSE BILL NO. 2444 BY REPRESENTATIVE COWLING

HOUSE BILL NO. 2447 BY REPRESENTATIVE BRIGHT

HOUSE BILL NO. 2451-TITLE-BY REPRESENTATIVE BRIGHT

HOUSE BILL NO. 2580 BY REPRESENTATIVE CREEKMORE

HOUSE BILL NO. 2598 BY REPRESENTATIVE LEDBETTER, ET AL

HOUSE BILL NO. 2641 BY REPRESENTATIVE KING

HOUSE BILL NO. 2643 BY REPRESENTATIVE KING

HOUSE BILL NO. 2644 BY REPRESENTATIVE KING

HOUSE BILL NO. 2705 BY REPRESENTATIVE SCHULTE

HOUSE BILL NO. 2706 BY REPRESENTATIVE SCHULTE

HOUSE BILL NO. 2720 BY REPRESENTATIVE NAPPER, ET AL

HOUSE BILL NO. 2732-TITLE-BY REPRESENTATIVE RANKIN

HOUSE BILL NO. 2763 BY REPRESENTATIVE BRADFORD

HOUSE BILL NO. 2770 BY REPRESENTATIVE R. SMITH

HOUSE BILL NO. 2813 BY REPRESENTATIVE BIGGS

HOUSE BILL NO. 2833 BY REPRESENTATIVE NAPPER

HOUSE BILL NO. 2834 BY REPRESENTATIVE PENIX

HOUSE BILL NO. 2868 BY REPRESENTATIVE STOVALL

HOUSE BILL NO. 2903-TITLE-BY REPRESENTATIVE HARRIS, ET AL

SENATE BILL NO. 216 BY SENATOR BISBEE & REPRESENTATIVE THYER

SENATE BILL NO. 31-TITLE-BY SENATOR WHITAKER

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1488

---

BY: REPRESENTATIVES MAHONY, *THOMASON*

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW THE ARKANSAS CRIME INFORMATION CENTER AND THE ARKANSAS STATE POLICE TO RELEASE CERTAIN CRIMINAL HISTORY INFORMATION FOR A FEE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1694

---

BY: REPRESENTATIVES JUDY, BLAIR, KING, BORHAUER, EASON, C. JOHNSON, *DEES, JONES, ELLIOTT, LEWELLEN, GREEN, ROEBUCK, GOSS, CLEMONS, WOOD, J. JOHNSON, MARTIN, WALTERS, DOBBINS*

BY: SENATOR BROWN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CHILD ABUSE AND NEGLECT PREVENTION ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2254

---

BY: REPRESENTATIVE R. SMITH

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND ARKANSAS CODE § 23-88-306 PERTAINING TO RURAL RISK UNDERWRITING; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2262

---

BY: REPRESENTATIVES DEES, JUDY, BLAIR, EASON, GREEN, NAPPER,  
PICKETT, ROEBUCK, *BORHAUER, CHESTERFIELD, CLEMONS, ELLIOTT, FITE,*  
*KING, MARTIN, S. PRATER, WALTERS*

BY: SENATORS GULLETT, MADISON, BAKER, HOLT, *BROWN, HORN,*  
*SALMON, WILKINS, WOOLDRIDGE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CHILD  
MALTREATMENT ACT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2322

---

BY: REPRESENTATIVES VERKAMP, STOVALL

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND ARKANSAS  
CODE § 26-53-106 TO ELIMINATE THE REQUIREMENT THAT PROPERTY  
“COME TO REST” IN THE STATE OR “BECOME COMMINGLED” WITH  
PROPERTY IN THE STATE IN ORDER TO BE SUBJECT TO USE TAX; AND FOR  
OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2451

---

BY: REPRESENTATIVE BRIGHT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT AND REGULATE  
THE *SITING* AND LOCATION OF SAND AND GRAVEL DREDGING AND  
STORAGE OPERATIONS; TO CREATE A SAFE ZONE FOR CHILDREN FROM  
EXPOSURE TO DUST AND AIRBORNE DEBRIS; TO DECLARE AN  
EMERGENCY; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2598

---

BY: REPRESENTATIVES LEDBETTER, *CHESTERFIELD*, *CLEMONS*, *DOBBINS*,  
*EASON*, *ELLIOTT*, *GOSS*, *C. JOHNSON*, *JONES*, *LEWELLEN*, *PENIX*, *THOMAS*,  
*WHITE*, *L. PRATER*, *EDWARDS*, *LENDALL*, *WALTERS*, *JUDY*, *NAPPER*,  
*HATHORN*

BY: *SENATORS WILKINS*, *BROWN*, *STEELE*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROHIBIT  
PREDATORY LENDING IN THE HOME MORTGAGE MARKET; AND FOR OTHER  
PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2732

---

BY: REPRESENTATIVE RANKIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROTECT  
CONSUMERS BY PROHIBITING THE *AUTOMATIC RENEWAL OF SERVICES*  
*CONTRACTS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2903

---

BY: REPRESENTATIVES HARRIS, *C. JOHNSON*, *GREEN*, *THOMAS*, *ELLIOTT*,  
*PENIX*, *DICKINSON*

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

SENATE BILL ENGROSSED AS TITLE AMENDED  
SENATE BILL NO. 31

---

BY: SENATOR WHITAKER

BY: REPRESENTATIVES GREEN, BIGGS

FOR AN ACT TO BE ENTITLED *TO CREATE THE BREAST CANCER, PROSTATE CANCER, AND COLON CANCER EARLY DETECTION PROGRAM ACT*; AND FOR OTHER PURPOSES.

Representative Bright moved that the record by which **HOUSE BILL NO. 2447** Amendment #1 passed be expunged from the record, which motion prevailed by more than 67 votes.

Upon motion of Representative Bright, **HOUSE BILL NO. 2447** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2447

Amend **HOUSE BILL NO. 2447** as originally introduced:

Page 2, delete lines 3 through 6 and substitute:

“(c) Persons nineteen (19) years of age and older, with the written consent of a parent or guardian, may sell and handle alcoholic beverages at an establishment which is licensed for on-premises consumption of alcoholic beverages under §§ 3-9-202(8), 3-9-202(9), 3-9-301 or 3-9-501.”

/s/ Stephen Bright

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Green, **SENATE BILL NO. 31** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 31**

Amend **SENATE BILL NO. 31** as engrossed, H02/06/03:

Add Representatives Green and Biggs as cosponsors of the bill

AND

Page 1, line 28, insert after the comma and before the word "shall" the following phrase:

"major medical policies whose duration is for six (6) months or less, or policies issued by the Arkansas Comprehensive Health Insurance Pool."

AND

Page 1, delete lines 30 through 32 and substitute "examination for the presence of breast cancer."

AND

Page 1, line 33, delete "shall not"

AND

Page 1, line 34, delete "Be" and substitute "Shall be"

AND

Page 1, line 35, delete "or" and substitute "but"

AND

Page 1, line 36, delete "Require" and substitute "Shall not require"

AND

Page 2, delete lines 2 through 14, and substitute

"(c) The coverage required by subsection (a) of this section shall be provided for mammograms, clinical breast examinations by a health care professional and other diagnostic tests at the ages and frequencies recommended by the U.S. Preventive Services Task Force, as in existence on January 1, 2003."

AND

Page 2, line 20, insert after the comma and before the word "shall" the following phrase:

"major medical policies whose duration is for six (6) months or less, or policies issued by the Arkansas Comprehensive Health Insurance Pool,

AND

Page 2, delete lines 22 through 23 and substitute "prostate cancer."

AND

Page 2, line 24, delete "shall not"

AND

Page 2, line 25, delete "Be" and substitute "Shall be"

AND

Page 2, line 26, delete "or" and substitute "but"

AND

Page 2, line 27, delete "Require" and substitute "Shall not require"

AND

Page 2, delete lines 29 through 36 and substitute

"(c) The coverage required by subsection (a) of this section shall be provided for digital rectal examinations by a health care professional, prostate specific antigen tests and other diagnostic tests at the ages and frequencies recommended by the U. S. Preventive Services Task Force, as in existence on January 1, 2003."

AND

Page 3, line 1, delete entire line

AND

Page 3, line 7, insert after the comma and before the word "shall" the following phrase:

"major medical policies whose duration is for six (6) months or less, or policies issued by the Arkansas Comprehensive Health Insurance Pool."

AND

Page 3, delete lines 9 through 10 and substitute "cancer."

AND

Page 3, line 11, delete "shall not"

AND

Page 3, line 12, delete "Be" and substitute "Shall be"

AND

Page 3, line 13, delete "or" and substitute "but"

AND

Page 3, line 14, delete "Require" and substitute "Shall not require"

AND

Page 3, delete lines 16 through 31 and substitute

"(c) The coverage required by subsection (a) of this section shall be provided for fecal occult blood tests performed by a health care professional, flexible sigmoidoscopy and other diagnostic tests at ages and frequencies recommended by the U. S. Preventive Services Task Force, as in existence on January 1, 2003."

/s/ Gary Biggs

/s/ Mary Beth Green

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Thyer, **SENATE BILL NO. 216** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO SENATE BILL NO. 216**

Amend **SENATE BILL NO. 216** as engrossed, 2/26/03:

Page 1, line 31 delete "trial" and substitute "circuit"

/s/ Chris Thyer

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

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE CONCURRENT RESOLUTION NO. 1033

---

BY: REPRESENTATIVE JUDY

COMMENDING THE AGRICULTURAL COMMUNITY FOR ITS OUTSTANDING EFFORTS TOWARD REDUCING PHOSPHORUS CONTAMINATION IN THE STATE'S WATERSHEDS; URGING CITIES AND CHAMBERS OF COMMERCE TO JOIN WITH THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF HEALTH, AND UNIVERSITY OF ARKANSAS RESEARCH PROGRAM TO IMPROVE ENFORCEMENT OF EXISTING LAWS REGARDING PHOSPHORUS AND TO EXPAND EFFORTS TO INFORM NONAGRICULTURAL COMMUNITIES ABOUT THE ENVIRONMENTAL *EFFECTS* OF PHOSPHORUS.

READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE CONCURRENT RESOLUTION NO. 1024

---

BY: REPRESENTATIVE JUDY

ACKNOWLEDGING ARKANSAS' GREAT HISTORIC HERITAGE AND ITS CULTURAL TREASURES AND SETTING THE GOAL FOR THE STATE TO DISPLAY THE HIGHEST EXAMPLE OF PRESERVING OUR HISTORIC STRUCTURES AND CULTURAL SITES BY INSISTING THAT PUBLICLY-OWNED BUILDINGS ARE GREAT ASSETS AND THAT THESE SITES MUST BE MANAGED BY THE PRINCIPLES OF PRESERVATION.

READ AND ADOPTED BY MORE THAN 51 VOTES. RECEIVED UANIMOUS SUPPORT.

HOUSE CONCURRENT RESOLUTION NO. 1035

---

BY: REPRESENTATIVE DEES

REQUESTING THE HOUSE AND SENATE INTERIM COMMITTEES ON CHILDREN AND YOUTH TO STUDY THE NEED FOR JUVENILE CODE REFORM; AND FOR OTHER PURPOSES.

READ AND ADOPTED BY MORE THAN 51 VOTES.

HOUSE BILL NO. 2704

---

BY: REPRESENTATIVE MARTIN

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, 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, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Dangeau, Hardwick, Hutchinson, C. Johnson, Moore, Schulte, R. Smith, Sumpter, Mr. Speaker.

Total .....11

VOTING PRESENT: Ormond, Petrus.

Total .....2

Total number of votes cast.....89

Total number voting in the affirmative .....87

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

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

HOUSE BILL NO. 2326

---

BY: REPRESENTATIVE WOOD

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, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE: Edwards, Gipson.

Total .....2

ABSENT OR NOT VOTING: Borhauer, C. Johnson, Schulte, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....96

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 J. Bookout the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

**SENATE BILL NO. 877**

---

**BY: SENATOR J. BOOKOUT**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Pickett, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 877**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Pickett, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Morning Hour Expired.

HOUSE BILL NO. 2849

---

BY: REPRESENTATIVE BIGGS

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

AFFIRMATIVE: Agee, Bennett, Berry, Biggs, Blair, Bolin, P. Bookout, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Eason, Edwards, L. Evans, Ferguson, Gillespie, Gipson, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jones, Judy, King, Lewellen, Mack, Matayo, Mathis, Medley, Moore, Napper, Norton, Ormond, Pace, Parks, Petrus, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Verkamp, White.

Total .....56

NEGATIVE: Anderson, Bledsoe, Bond, Bradford, Dickinson, Elliott, D. Evans, Fite, Green, Harris, Jeffrey, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Lendall, Martin, Nichols, Pate, Penix, Pickett, L. Prater, S. Prater, Rosenbaum, Sumpter, Thyer, Walters, Wood.

Total .....29

ABSENT OR NOT VOTING: Adams, Borhauer, Boyd, Dangeau, Goss, Haak, C. Johnson, Mahony, Milligan, Scroggin, Thomason, Weaver, Mr. Speaker.

Total .....13

VOTING PRESENT: Hardwick, Oglesby.

Total .....2

Total number of votes cast.....87

Total number voting in the affirmative .....56

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2849**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Agee, Bennett, Berry, Biggs, Blair, Bolin, P. Bookout, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Eason, Edwards, L. Evans, Ferguson, Gillespie, Gipson, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jones, Judy, King, Lewellen, Mack, Matayo, Mathis, Medley, Moore, Napper, Norton, Ormond, Pace, Parks, Petrus, Pritchard, Rankin, Roebuck, Schulte, Scrimshire, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Verkamp, White.

Total .....56

NEGATIVE: Anderson, Bledsoe, Bond, Bradford, Dickinson, Elliott, D. Evans, Fite, Green, Harris, Jeffrey, J. Johnson, Kenney, Key, Lamoureux, Ledbetter, Lendall, Martin, Nichols, Pate, Penix, Pickett, L. Prater, S. Prater, Rosenbaum, Sumpter, Thyer, Walters, Wood.

Total .....29

ABSENT OR NOT VOTING: Adams, Borhauer, Boyd, Dangeau, Goss, Haak, C. Johnson, Mahony, Milligan, Scroggin, Thomason, Weaver, Mr. Speaker.

Total .....13

VOTING PRESENT: Hardwick, Oglesby.

Total .....2

Total number of votes cast .....87

Total number voting in the affirmative .....56

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

Upon motion of Representative Biggs the Clincher motion prevailed.

Motion by Representative Chesterfield for immediate consideration of **HOUSE BILL NO. 1980**. Motion passed.

**HOUSE BILL NO. 1980**

---

**BY: REPRESENTATIVE BRADFORD**

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

**AFFIRMATIVE:** Adams, Blair, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Haak, Hathorn, Hickinbotham, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Mathis, Milligan, Moore, Napper, Oglesby, Pace, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, Thomas, Thomason, Thyer, Weaver, White.

Total .....62

**NEGATIVE:** Agee, Anderson, Bennett, Berry, Bledsoe, Bolin, Bright, Creekmore, Dangeau, Gipson, Green, Hardwick, Harris, House, Hutchinson, Kenney, Key, Lamoureux, Matayo, Medley, Nichols, Parks, Penix, Pritchard, Rosenbaum, Schulte, Scrimshire, Verkamp, Walters, Wood.

Total .....30

**ABSENT OR NOT VOTING:** Biggs, Borhauer, C. Johnson, Martin, Norton, Ormond, J. Taylor, Mr. Speaker.

Total .....8

**VOTING PRESENT:**

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....62

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

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

Upon motion of Representative Bradford the Clincher motion prevailed.

STATE OF ARKANSAS  
ARKANSAS SENATE

March 20, 2003

The Honorable Jo Renshaw  
Chief Clerk  
State Capitol  
Little Rock, AR 72201

Dear Ms. Renshaw:

The Senate respectfully requests the return to the Senate, of **HOUSE BILL NO. 1343**.

Respectfully submitted,

/s/ Ann Cornwell  
Secretary of the Senate

HOUSE BILL NO. 1652

---

**BY: REPRESENTATIVE SCROGGIN**

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, Bledsoe, Bolin, Bond, P. Bookout, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, House, Hutchinson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Ormond, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Wood.

Total .....79

NEGATIVE: Blair, Clemons, Dobbins, Hathorn, Hickinbotham, Jackson, Key, Norton, Oglesby, Pace, Weaver.

Total .....11

ABSENT OR NOT VOTING: Borhauer, Boyd, Dangeau, Hardwick, C. Johnson, Milligan, Penix, Scrimshire, White, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....79

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

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

Upon motion of Representative Scroggin the Clincher motion prevailed.

HOUSE BILL NO. 1653

---

BY: REPRESENTATIVE SCROGGIN

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, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, House, Hutchinson, Jeffrey, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Ormond, 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, Wood.

Total .....82

NEGATIVE: Bennett, Blair, Dobbins, Hathorn, Hickinbotham, Jackson, Key, Norton, Oglesby, Pace, Weaver.

Total .....11

ABSENT OR NOT VOTING: Borhauer, Dees, Jacobs, C. Johnson, Milligan, White, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....82

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

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

Upon motion of Representative Scroggin the Clincher motion prevailed.

HOUSE BILL NO. 1654

---

BY: REPRESENTATIVE SCROGGIN

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, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, House, Hutchinson, Jeffrey, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Wood.

Total .....83

NEGATIVE: Blair, Dobbins, Hathorn, Hickenbotham, Jackson, Key, Milligan, Norton, Oglesby, Pace, Scrimshire, Weaver.

Total .....12

ABSENT OR NOT VOTING: Borhauer, Jacobs, C. Johnson, White, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast.....95

Total number voting in the affirmative .....83

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

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

Upon motion of Representative Scroggin the Clincher motion prevailed.

HOUSE BILL NO. 2268

---

BY: REPRESENTATIVE HUTCHINSON

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, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, 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, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Clemons, C. Johnson, L. Prater, White, Mr. Speaker.

Total .....6

VOTING PRESENT: Lewellen.

Total .....1

Total number of votes cast.....94

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. 2340

---

**BY: REPRESENTATIVE HOUSE**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, P. Bookout, 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, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bond, Borhauer, C. Johnson, Mahony, White, Mr. Speaker.

Total .....6

VOTING PRESENT: Edwards, Lendall, Pickett.

Total .....3

Total number of votes cast.....94

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. 1943

BY: REPRESENTATIVE CLEVELAND

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, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....96

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....96

Total number voting in the affirmative .....96

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

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

HOUSE BILL NO. 2231

---

BY: REPRESENTATIVE BOYD

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, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total .....92

NEGATIVE: Thyer.

Total .....1

ABSENT OR NOT VOTING: Bolin, Borhauer, Eason, C. Johnson, Pace, Stovall, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

Total number voting in the affirmative .....92

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

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

\*\*\*\*\* EXPUNGED \*\*\*\*\*03/24/03\*\*\*\*\*

HOUSE BILL NO. 2320

BY: REPRESENTATIVE GILLESPIE

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, Biggs, Bledsoe, Bond, P. Bookout, Bright, Creekmore, Dobbins, Elliott, Gillespie, Goss, Haak, Hathorn, Hickinbotham, Key, Lamoureux, Lewellen, Mack, Martin, Moore, Napper, Ormond, Penix, Rosenbaum, Scroggin, C. Taylor, Thomas, Thomason, Wood.

Total .....30

NEGATIVE: Anderson, Bennett, Berry, Blair, Boyd, Chesterfield, Childers, Clemons, Cowling, Dangeau, Dees, Dickinson, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gipson, Harris, House, Hutchinson, Jackson, Jeffrey, J. Johnson, Jones, Judy, Kenney, King, Ledbetter, Lendall, Mahony, Mathis, Medley, Nichols, Norton, Oglesby, Pace, Parks, Pate, Pickett, Pritchard, Rankin, Roebuck, Schulte, Seawel, Sullivan, J. Taylor, Thyer, Walters.

Total .....50

ABSENT OR NOT VOTING: Bolin, Borhauer, Bradford, Green, Hardwick, Jacobs, C. Johnson, Matayo, Petrus, L. Prater, S. Prater, R. Smith, Stovall, Sumpter, Verkamp, Weaver, White, Mr. Speaker.

Total .....18

VOTING PRESENT: Milligan, Scrimshire.

Total .....2

Total number of votes cast .....82

Total number voting in the affirmative .....30

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

So the Bill failed.

\*\*\*\*\* EXPUNGED \*\*\*\*\*03/24/03\*\*\*\*\*

HOUSE BILL NO. 2479

---

BY: REPRESENTATIVE WOOD

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

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

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bennett, Bolin, Borhauer, Gillespie, C. Johnson, Stovall, Weaver, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....92

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

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

Upon motion of Representative King, **HOUSE BILL NO. 2643** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 2643**

Amend **HOUSE BILL NO. 2643** as engrossed, 03/18/03:

Page 2, line 35, delete "12-40-1203" and substitute "14-40-1203"

/s/ Barbara King

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

/s/ Ms. Jo Renshaw  
Chief Clerk

HOUSE BILL NO. 2819

---

BY: REPRESENTATIVE LAMOUREUX

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, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Martin, Matayo, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Gillespie, C. Johnson, Mack, Mahony, Napper, R. Smith, Stovall, 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. 2703

---

BY: REPRESENTATIVE THYER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Lamoureux, Milligan, Moore, Stovall, 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. 2413

---

**BY: REPRESENTATIVE NAPPER**

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, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....92

**NEGATIVE:**

Total .....0

**ABSENT OR NOT VOTING:** Bennett, Berry, Borhauer, C. Johnson, Pace, Stovall, Mr. Speaker.

Total .....7

**VOTING PRESENT:** Bolin.

Total .....1

Total number of votes cast.....93

Total number voting in the affirmative .....92

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

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

HOUSE BILL NO. 2390

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, Bond, P. Bookout, Boyd, Bradford, Bright, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Lewellen, Penix, Stovall, Thomas, Thomason, Mr. Speaker.

Total .....9

VOTING PRESENT: Chesterfield.

Total .....1

Total number of votes cast .....91

Total number voting in the affirmative .....90

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

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

HOUSE BILL NO. 2349

---

**BY: REPRESENTATIVE CHILDERS**

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

**AFFIRMATIVE:** Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total .....93

**NEGATIVE:**

Total .....0

**ABSENT OR NOT VOTING:** Bolin, Borhauer, C. Johnson, Martin, Stovall, 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.

There being an Emergency Clause attached to **HOUSE BILL NO. 2349**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, 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, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Walters, Weaver, White, Wood.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Martin, Stovall, 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 adoption of the emergency clause .....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2317

---

BY: REPRESENTATIVE C. TAYLOR

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

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, L. Evans, C. Johnson, Stovall, Sullivan, 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. 2774

---

BY: REPRESENTATIVE ORMOND

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

AFFIRMATIVE: Agee, Berry, Biggs, Bledsoe, Bolin, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dobbins, Elliott, Haak, Hardwick, Harris, Hathorn, House, Jackson, Kenney, King, Lendall, Lewellen, Matayo, Mathis, Medley, Moore, Nichols, Ormond, Pace, Petrus, Pickett, S. Prater, Schulte, Scroggin, Stovall, Thomas, Thyer.

Total .....38

NEGATIVE: Adams, Anderson, Bennett, Blair, Bond, P. Bookout, Boyd, Bradford, Bright, Dangeau, Dickinson, Eason, Fite, Gillespie, Hickinbotham, Hutchinson, Jeffrey, J. Johnson, Key, Lamoureux, Mack, Martin, Napper, Norton, Oglesby, Parks, Pate, Penix, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Seawel, C. Taylor, J. Taylor, Verkamp, Weaver, White, Wood.

Total .....40

ABSENT OR NOT VOTING: Borhauer, Edwards, D. Evans, L. Evans, Ferguson, Gipson, Goss, Green, Jacobs, C. Johnson, Jones, Judy, Ledbetter, Mahony, Milligan, L. Prater, R. Smith, Sullivan, Sumpter, Thomason, Walters, Mr. Speaker.

Total .....22

VOTING PRESENT:

Total .....0

Total number of votes cast.....78

Total number voting in the affirmative .....38

Necessary to the adoption of the bill .....51

So the Bill failed.

HOUSE BILL NO. 2485

---

**BY: REPRESENTATIVE HARDWICK**

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, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, 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, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thyer, Verkamp, Weaver, White, Wood.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Gipson, C. Johnson, Lamoureux, Mahony, Schulte, Sumpter, Thomason, Walters, Mr. Speaker.

Total .....10

VOTING PRESENT: Bradford.

Total .....1

Total number of votes cast.....90

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 Harris to refer **HOUSE BILL NO. 1754** back to the Committee on House Rules for purpose of amendment.

SENATE BILL NO. 308

BY: SENATOR WILKINSON

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, Dangeau, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, Jones, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Dees, Jacobs, C. Johnson, J. Johnson, Judy, Moore, Sumpter, 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.

SENATE BILL NO. 18

---

BY: SENATOR BAKER

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, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Eason, C. Johnson, Thyer, 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. 347

BY: SENATOR BAKER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Childers, C. Johnson, Thyer, 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. 316

---

BY: SENATOR FARIS

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, Bledsoe, Bolin, Bond, P. Bookout, 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, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, 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: Blair, Lendall.

Total .....2

ABSENT OR NOT VOTING: Borhauer, C. Johnson, Milligan, Norton, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast.....95

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. 400

BY: SENATOR LUKER

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

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

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Adams, Bolin, Borhauer, Bright, Chesterfield, Clemons, Green, C. Johnson, Lendall, Scroggin, C. Taylor, White, Mr. Speaker.

Total .....13

VOTING PRESENT:

Total .....0

Total number of votes cast .....87

Total number voting in the affirmative .....87

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

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

There being an Emergency Clause attached to **SENATE BILL NO.400**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Adams, Bolin, Borhauer, Bright, Chesterfield, Clemons, Green, C. Johnson, Lendall, Scroggin, C. Taylor, White, Mr. Speaker.

Total ..... 13

VOTING PRESENT:

Total .....0

Total number of votes cast.....87

Total number voting in the affirmative .....87

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 303

---

BY: SENATOR LUKER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, 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 .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, C. Johnson, Mr. Speaker.

Total .....4

VOTING PRESENT: Pate.

Total .....1

Total number of votes cast .....96

Total number voting in the affirmative .....95

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

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

SENATE BILL NO. 532

---

BY: SENATOR T. SMITH

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

AFFIRMATIVE: Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Ormond, Pate, Petrus, L. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total .....75

NEGATIVE: Anderson, Dobbins, D. Evans, Harris, Hutchinson, Kenney, Nichols, Pace, Rosenbaum, Schulte, Sullivan, Wood.

Total .....12

ABSENT OR NOT VOTING: Bennett, Bolin, Borhauer, Chesterfield, Green, C. Johnson, Matayo, Parks, Penix, Pickett, S. Prater, Mr. Speaker.

Total .....12

VOTING PRESENT: Norton.

Total .....1

Total number of votes cast.....88

Total number voting in the affirmative .....75

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.

There being an Emergency Clause attached to **SENATE BILL NO. 532**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Haak, Hardwick, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Oglesby, Ormond, Pate, Petrus, L. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White.

Total .....75

NEGATIVE: Anderson, Dobbins, D. Evans, Harris, Hutchinson, Kenney, Nichols, Pace, Rosenbaum, Schulte, Sullivan, Wood.

Total .....12

ABSENT OR NOT VOTING: Bennett, Bolin, Borhauer, Chesterfield, Green, C. Johnson, Matayo, Parks, Penix, Pickett, S. Prater, Mr. Speaker.

Total .....12

VOTING PRESENT: Norton.

Total .....1

Total number of votes cast .....88

Total number voting in the affirmative .....75

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

Upon motion of Representative Cowling the Clincher motion prevailed.

SENATE BILL NO. 407

---

**BY: SENATOR BAKER**

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, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Elliott, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Judy, Kenney, Key, King, Mack, Mahony, Mathis, Milligan, Moore, Nichols, Oglesby, Parks, Pate, Pickett, L. Prater, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total .....70

NEGATIVE: Blair, Bradford, Dobbins, Edwards, D. Evans, Fite, Harris, Lamoureux, Ledbetter, Lendall, Martin, Matayo, Medley, Napper, Pace, Penix, Pritchard, Sumpter.

Total ..... 18

ABSENT OR NOT VOTING: Agee, Borhauer, Bright, C. Johnson, Jones, Lewellen, Norton, Ormond, Petrus, S. Prater, Weaver, Mr. Speaker.

Total ..... 12

VOTING PRESENT:

Total .....0

Total number of votes cast.....88

Total number voting in the affirmative .....70

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

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

Upon motion of Representative Mack the Clincher motion prevailed.

Upon motion of Representative Napper, HOUSE BILL NO. 1192 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1192

Amend HOUSE BILL NO. 1192 as originally introduced:

Page 8, line 14, delete "\$ 2,813,060 \$ 2,813,060" and substitute "\$ 4,813,060 \$ 4,813,060"

AND

Page 8, line 15, delete "\$ 2,813,060 \$ 2,813,060" and substitute "\$ 4,813,060 \$ 4,813,060"

AND

Page 8, line 27, delete "\$ 271,500 \$ 271,500" and substitute "\$ 943,000 \$ 943,000"

AND

Page 8, line 32, delete "\$ 271,500 \$ 271,500" and substitute "\$ 943,000 \$ 943,000"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Motion was made by Representative Napper to refer SENATE BILL NO. 63 back to the Committee on JOINT BUDGET. Motion adopted.

Upon motion of Representative Napper, **HOUSE BILL NO. 1258** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1258**

Amend **HOUSE BILL NO. 1258** as originally introduced:

Page 4, lines 17 and 18, delete "for Regular Salaries, Social Security and Retirement Matching"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1301** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1301**

Amend **HOUSE BILL NO. 1301** as originally introduced:

Page 2, line 7, delete "\$35,878 \$37,018" and substitute "\$17,939 \$18,509"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1304** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1304

Amend **HOUSE BILL NO. 1304** as originally introduced:

Page 2, line 5, delete "\$17,838      \$18,320" and substitute "\$17,939      \$18,509"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1378** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1378

Amend **HOUSE BILL NO. 1378** as originally introduced:

Page 2, lines 4 through 22, delete in their entirety and substitute the following:

TWELVE MONTH EDUCATIONAL AND GENERAL  
ADMINISTRATIVE POSITIONS

|      |  |   |           |           |
|------|--|---|-----------|-----------|
| (1)  | Chancellor AVTI                          | 1 | \$113,049 | \$115,482 |
| (2)  | Chief Academic Officer                   | 1 | \$90,225  | \$92,338  |
| (3)  | Chief Fiscal Officer                     | 1 | \$84,492  | \$86,497  |
| (4)  | Chief Student Life Officer               | 1 | \$84,492  | \$86,497  |
| (5)  | Counselor                                | 1 | \$68,500  | \$70,202  |
| (6)  | Registrar                                | 1 | \$65,617  | \$67,264  |
| (7)  | Director of Computer Services            | 1 | \$64,318  | \$65,940  |
| (8)  | Director of Financial Aid                | 1 | \$63,710  | \$65,320  |
| (9)  | Coord of Continuing Ed/Business Outreach | 1 | \$63,710  | \$65,320  |
| (10) | Director of Admin. Support Services      | 1 | \$43,401  | \$44,573  |

TWELVE MONTH EDUCATIONAL AND GENERALCLASSIFIED POSITIONS

|      |                                     |   |          |
|------|-------------------------------------|---|----------|
| (11) | Building Plant Maint. Supervisor II | 1 | Grade 18 |
| (12) | Information Officer II              | 1 | Grade 18 |
| (13) | Assistant Registrar                 | 1 | Grade 18 |
| (14) | Vocational Instructor I             | 4 | Grade 17 |
| (15) | Administrative Assistant II         | 1 | Grade 17 |
| (16) | Business Controller II              | 1 | Grade 16 |
| (17) | Accounting Technician II            | 1 | Grade 15 |
| (18) | Executive Secy/Administrative Secy  | 1 | Grade 14 |
| (19) | Secretary II                        | 5 | Grade 13 |
| (20) | Personnel Officer                   | 1 | Grade 13 |
| (21) | Bldg/Equip Maintenance Repairman II | 3 | Grade 08 |

TWELVE MONTH EDUCATIONAL AND GENERALACADEMIC POSITIONS

|      |           |   |          |          |
|------|-----------|---|----------|----------|
| (22) | Librarian | 1 | \$71,368 | \$73,124 |
|------|-----------|---|----------|----------|

NINE MONTH EDUCATIONAL AND GENERALACADEMIC POSITIONS

|      |                                |           |          |          |
|------|--------------------------------|-----------|----------|----------|
| (23) | Workforce Ed Faculty           | 35        | \$52,392 | \$53,807 |
| (24) | Workforce Ed Part-Time Faculty | <u>25</u> | 17,939   | \$18,509 |
|      | MAX. NO. OF EMPLOYEES          | 91"       |          |          |

AND

Page 4, lines 8 through 19, delete in their entirety and substitute the following:

|       |                           |                     |                      |
|-------|---------------------------|---------------------|----------------------|
| "(01) | REGULAR SALARIES          | \$ 532,633          | \$ 658,014           |
| (02)  | EXTRA HELP                | 67,000              | 67,000               |
| (03)  | PERSONAL SERV MATCH       | 122,485             | 125,792              |
| (04)  | MAINT. & GEN. OPERATION   |                     |                      |
| (A)   | OPER. EXPENSE             | 320,472             | 320,472              |
| (B)   | CONF. & TRAVEL            | 15,746              | 15,746               |
| (C)   | PROF. FEES                | 300,000             | 300,000              |
| (D)   | CAP. OUTLAY               | 0                   | 0                    |
| (E)   | DATA PROC.                | 0                   | 0                    |
| (05)  | RESALE                    | 134,185             | 134,185              |
| (06)  | DEBT SERVICE              | 44,000              | 44,000               |
| (07)  | CONTINGENCY               | 1,500,000           | 1,500,000            |
| (08)  | PROMOTIONAL ITEMS         | <u>10,000</u>       | <u>10,000</u>        |
|       | TOTAL AMOUNT APPROPRIATED | <u>\$ 3,046,521</u> | <u>\$ 3,175,209"</u> |

AND

Add a new Section immediately after Section 7 of the bill to read as follows:

"SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH INSURANCE. By November 30, 2003, employees who were employed on June 30, 2003 by Arkansas Valley Technical Institute shall have the right to make a one-time choice between:

- (i) The Arkansas Tech University Health Insurance Plan; or
- (ii) The health insurance plan adopted by the state and Public school life and Health Insurance Board for state employees.

The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005."

And

Renumber the subsequent sections of the bill.

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1390** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1390**

Amend **HOUSE BILL NO. 1390** as originally introduced:

Immediately following SECTION 8, add an additional section to read as follows:

“ SECTION 9. APPROPRIATION – WEATHERIZATION ASSISTANCE UTILITY ASSESSMENT. There is hereby appropriated, to the Department of Human Services – Division of County Operations, to be payable from the Arkansas Weatherization Assistance Fund, for grant agreements with local governments and nonprofit corporations by the Department of Human Services – Division of County Operations for the biennial period ending June 30, 2005, the following:

| ITEM<br>NO.  | FISCAL YEARS        |                       |
|--|---------------------|-----------------------|
|  | 2003-2004           | 2004-2005             |
| (01) WEATHERIZATION ASSISTANCE UTILITY<br>ASSESSMENT | <u>\$ 4,700,000</u> | <u>\$ 4,700,000</u> ” |

AND

Appropriately renumber the sections of the bill.

*/s/ Paul Weaver*

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

*/s/ Ms. Jo Renshaw*  
Chief Clerk

Upon motion of Representative Napper, HOUSE BILL NO. 1516 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1516

Amend HOUSE BILL NO. 1516 as originally introduced:

Page 1, line 36 delete "will" and substitute "will may".

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper, HOUSE BILL NO. 1739 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1739

Amend HOUSE BILL NO. 1739 as originally introduced:

Page 5, line 19, delete "State"

And

Immediately following SECTION 21 add new sections to read as follows:

" SECTION 22. APPROPRIATION - TRAILS FOR LIFE GRANTS. There is hereby appropriated, to the Department of Parks and Tourism, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Parks and Tourism, from proceeds derived from the Department of Health - Tobacco Settlement Proceeds Act, for grants to cities and counties for the purpose of constructing health and fitness trails and other related facilities that target public health and fitness improvements in their communities for the biennial period ending June 30, 2005, the following:

| ITEM<br>NO.        | FISCAL YEARS      |                   |
|--------------------|-------------------|-------------------|
|                    | 2003-2004         | 2004-2005         |
| (01) TRAILS GRANTS | <u>\$ 900,000</u> | <u>\$ 300,000</u> |

SECTION 23. APPROPRIATION - HISTORY COMMISSION - STATE. There is hereby appropriated, to the Department of Parks and Tourism - Arkansas History Commission, to be payable from the Parks and Tourism Fund Account, for operating expenses of the Department of Parks and Tourism - Arkansas History Commission for the biennial period ending June 30, 2005, the following:

| ITEM<br>NO.                  | FISCAL YEARS     |                  |
|------------------------------|------------------|------------------|
|                              | 2003-2004        | 2004-2005        |
| (01) MAINT. & GEN. OPERATION |                  |                  |
| (A) OPER. EXPENSE            | \$ 29,086        | \$ 29,086        |
| (B) CONF. & TRAVEL           | 0                | 0                |
| (C) PROF. FEES               | 0                | 0                |
| (D) CAP. OUTLAY              | 10,000           | 10,000           |
| (E) DATA PROC.               | _____0           | _____0           |
| TOTAL AMOUNT APPROPRIATED    | <u>\$ 39,086</u> | <u>\$ 39,086</u> |

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRAILS FOR LIFE APPROPRIATION CARRY FORWARD. Any unexpended balances of the appropriations authorized in Section 22 herein, which remain at the close of the fiscal year ending June 30, 2004, shall be carried forward and made available for the same purposes for the fiscal year ending June 30, 2005.

The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005. "

And

Appropriately renumber the sections of the bill.

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Napper, **HOUSE BILL NO. 1830** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1830**

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

Delete SECTION 26 in its entirety and substitute the following:

"SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CHILD AND FAMILY LIFE INSTITUTE. The Child Health and Family Life Institute shall be administered under the direction of Arkansas Children's Hospital. Arkansas Children's Hospital shall enter into a cooperative agreement and/or contract with the University of Arkansas for Medical Sciences-Department of Pediatrics for services required to deliver the programs of the Child Health and Family Life Institute (CHFLI). Utilizing a multidisciplinary collaboration of professionals, CHFLI shall provide a statewide effort to explore, develop and evaluate new and better ways to address medically, socially and economically interrelated health and developmental needs of children with special health care needs and their families. CHFLI priorities shall include, but are not limited to, wellness and prevention, screen and diagnosis, treatment and intervention, training and education and research and evaluation. Arkansas Children's Hospital and the University of Arkansas for Medical Sciences-Department of Pediatrics shall make semi-annual reports to the Arkansas Legislative Council on all matters of funding, existing programs and services offered through CHFLI. The provisions of this section shall be in effect from July 1, 2003 through June 30, 2005."

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw

Chief Clerk

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

**HOUSE BILL NO. 1642**

---

**BY: JOINT BUDGET COMMITTEE**

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

**AFFIRMATIVE:** Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, 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 .....90

**NEGATIVE:**

Total .....0

**ABSENT OR NOT VOTING:** Borhauer, Bradford, Dangeau, Gillespie, Green, Haak, Hardwick, C. Johnson, Moore, Mr. Speaker.

Total .....10

**VOTING PRESENT:**

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1642**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, 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 .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Bradford, Dangeau, Gillespie, Green, Haak, Hardwick, C. Johnson, Moore, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

Necessary to the adoption of the emergency clause .....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 152**

---

**BY: JOINT BUDGET COMMITTEE**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, 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 .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Goss, House, C. Johnson, Jones, Moore, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast.....92

Total number voting in the affirmative .....92

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 152**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, 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 .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Goss, House, C. Johnson, Jones, Moore, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

HOUSE BILL NO. 1922

---

BY: JOINT BUDGET COMMITTEE

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

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

Total .....88

NEGATIVE: Biggs, S. Prater.

Total .....2

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Moore, Napper, Nichols, Norton, Roebuck, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

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

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1922**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

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

Total .....88

NEGATIVE: Biggs, S. Prater.

Total .....2

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Moore, Napper, Nichols, Norton, Roebuck, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

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

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 754

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Matayo, Mathis, Medley, Milligan, 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 .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Gillespie, Hardwick, House, C. Johnson, Martin, Moore, Napper, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 754**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Matayo, Mathis, Medley, Milligan, 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 .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Gillespie, Hardwick, House, C. Johnson, Martin, Moore, Napper, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 324

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, 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 .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Kenney, Napper, Parks, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 324**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, 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 .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Kenney, Napper, Parks, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 325**

---

**BY: JOINT BUDGET COMMITTEE**

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

**AFFIRMATIVE:** Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pace, Parks, 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 .....91

**NEGATIVE:**

Total .....0

**ABSENT OR NOT VOTING:** Borhauer, Clemons, Gillespie, Goss, House, C. Johnson, Napper, Pate, 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 .....75

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

There being an Emergency Clause attached to **SENATE BILL NO. 325**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickenbotham, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Nichols, Norton, Oglesby, Ormond, Pace, Parks, 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 .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Clemons, Gillespie, Goss, House, C. Johnson, Napper, Pate, 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 .....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 326

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Clemons, Elliott, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 326**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Clemons, Elliott, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the passage of the bill .....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 327**

---

**BY: JOINT BUDGET COMMITTEE**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....96

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, C. Johnson, Key, Mr. Speaker.

Total .....4

VOTING PRESENT:

Total .....0

Total number of votes cast .....96

Total number voting in the affirmative .....96

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 327**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|   |    |
|---|----|
| Total .....   | 96 |
| NEGATIVE:   |    |
| Total .....   | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Key, Mr. Speaker. |    |
| Total .....   | 4  |
| VOTING PRESENT:   |    |
| Total .....   | 0  |
| Total number of votes cast .....                              | 96 |
| Total number voting in the affirmative .....                  | 96 |
| Necessary to the adoption of the emergency clause.....        | 67 |

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 328**

---

**BY: JOINT BUDGET COMMITTEE**

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

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

|   |    |
|---|----|
| Total .....   | 95 |
| <b>NEGATIVE: Clemons.</b>   |    |
| Total .....   | 1  |
| <b>ABSENT OR NOT VOTING: Borhauer, D. Evans, C. Johnson, Mr. Speaker.</b> |    |
| Total .....   | 4  |
| <b>VOTING PRESENT:</b>  |    |
| Total .....   | 0  |
| Total number of votes cast .....  | 96 |
| Total number voting in the affirmative .....                              | 95 |
| Necessary to the passage of the bill .....                                | 75 |

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

There being an Emergency Clause attached to **SENATE BILL NO. 328**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

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

|  |    |
|--|----|
| Total .....  | 95 |
| NEGATIVE: Clemons.   |    |
| Total .....  | 1  |
| ABSENT OR NOT VOTING: Borhauer, D. Evans, C. Johnson, Mr. Speaker. |    |
| Total .....  | 4  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                                   | 96 |
| Total number voting in the affirmative .....                       | 95 |
| Necessary to the adoption of the emergency clause.....             | 67 |

So the Emergency Clause was adopted.

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

SENATE BILL NO. 329

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|  |    |
|--|----|
| Total .....  | 97 |
| NEGATIVE:  |    |
| Total .....  | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker. |    |
| Total .....  | 3  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                         | 97 |
| Total number voting in the affirmative .....             | 97 |
| Necessary to the passage of the bill .....               | 75 |

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

There being an Emergency Clause attached to **SENATE BILL NO. 329**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|  |    |
|--|----|
| Total .....  | 97 |
| NEGATIVE:  |    |
| Total .....  | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker. |    |
| Total .....  | 3  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                         | 97 |
| Total number voting in the affirmative .....             | 97 |
| Necessary to the adoption of the emergency clause.....   | 67 |

So the Emergency Clause was adopted.

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

SENATE BILL NO. 330

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|  |    |
|--|----|
| Total .....  | 97 |
| NEGATIVE:  |    |
| Total .....  | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker. |    |
| Total .....  | 3  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                         | 97 |
| Total number voting in the affirmative .....             | 97 |
| Necessary to the passage of the bill .....               | 75 |

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

There being an Emergency Clause attached to **SENATE BILL NO. 330**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|  |    |
|--|----|
| Total .....  | 97 |
| NEGATIVE:  |    |
| Total .....  | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker. |    |
| Total .....  | 3  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                         | 97 |
| Total number voting in the affirmative .....             | 97 |
| Necessary to the adoption of the emergency clause.....   | 67 |

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 356**

---

**BY: JOINT BUDGET COMMITTEE**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

|  |    |
|--|----|
| Total .....  | 97 |
| NEGATIVE:  |    |
| Total .....  | 0  |
| ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker. |    |
| Total .....  | 3  |
| VOTING PRESENT:  |    |
| Total .....  | 0  |
| Total number of votes cast .....                         | 97 |
| Total number voting in the affirmative .....             | 97 |
| Necessary to the passage of the bill .....               | 75 |

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

There being an Emergency Clause attached to **SENATE BILL NO. 356**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....97

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, C. Johnson, Mr. Speaker.

Total .....3

VOTING PRESENT:

Total .....0

Total number of votes cast .....97

Total number voting in the affirmative .....97

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 357

---

BY: JOINT BUDGET COMMITTEE

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

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

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Agee, Biggs, Borhauer, Elliott, House, C. Johnson, Jones, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 357**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

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

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Agee, Biggs, Borhauer, Elliott, House, C. Johnson, Jones, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

Necessary to the adoption of the emergency clause .....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 370**

---

**BY: JOINT BUDGET COMMITTEE**

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Boyd, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 370**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Boyd, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the adoption of the emergency clause .....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 429

---

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, House, C. Johnson, Lendall, Weaver, 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 .....75

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

There being an Emergency Clause attached to **SENATE BILL NO. 429**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, 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, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Schulte, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, House, C. Johnson, Lendall, Weaver, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

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

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 482

---

BY: JOINT BUDGET COMMITTEE

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

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, C. Johnson, Lamoureux, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 482**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, C. Johnson, Lamoureux, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 539**

---

**BY: JOINT BUDGET COMMITTEE**

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

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

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bledsoe, Borhauer, Goss, House, C. Johnson, 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 .....75

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

There being an Emergency Clause attached to **SENATE BILL NO. 539**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bledsoe, Borhauer, Goss, House, C. Johnson, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....94

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

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 540

---

BY: JOINT BUDGET COMMITTEE

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

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 540**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 554**

---

**BY: JOINT BUDGET COMMITTEE**

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

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

Total .....92

**NEGATIVE:**

Total .....0

**ABSENT OR NOT VOTING:** Borhauer, Goss, House, C. Johnson, Lamoureux, Lewellen, Thomas, Mr. Speaker.

Total .....8

**VOTING PRESENT:**

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 554**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Lamoureux, Lewellen, Thomas, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

SENATE BILL NO. 671

---

BY: JOINT BUDGET COMMITTEE

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

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast.....95

Total number voting in the affirmative .....95

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 671**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....95

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Goss, House, C. Johnson, Mr. Speaker.

Total .....5

VOTING PRESENT:

Total .....0

Total number of votes cast .....95

Total number voting in the affirmative .....95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

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

**SENATE BILL NO. 676**

---

**BY: JOINT BUDGET COMMITTEE**

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

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

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Elliott, Goss, C. Johnson, Lamoureux, Lendall, Lewellen, Thomas, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....90

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

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

There being an Emergency Clause attached to **SENATE BILL NO. 676**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Elliott, Goss, C. Johnson, Lamoureux, Lendall, Lewellen, Thomas, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

The Chair requested the transfer of **HOUSE BILL NO. 2578** from the Committee on JUDICIARY to the JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

**HOUSE BILL NO. 2447** was referred back to the Committee on HOUSE RULES.

**HOUSE BILL NO. 2643** was referred back to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

**HOUSE BILL NO. 1553** was referred back to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

**SENATE BILL NO. 63** was referred back to the Committee on JOINT BUDGET.

**HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED**

---

|                     |                              |
|---------------------|------------------------------|
| HOUSE BILL NO. 1642 | BY JOINT BUDGET COMMITTEE    |
| HOUSE BILL NO. 1652 | BY REPRESENTATIVE SCROGGIN   |
| HOUSE BILL NO. 1653 | BY REPRESENTATIVE SCROGGIN   |
| HOUSE BILL NO. 1654 | BY REPRESENTATIVE SCROGGIN   |
| HOUSE BILL NO. 1922 | BY JOINT BUDGET COMMITTEE    |
| HOUSE BILL NO. 1943 | BY REPRESENTATIVE CLEVELAND  |
| HOUSE BILL NO. 1980 | BY REPRESENTATIVE BRADFORD   |
| HOUSE BILL NO. 2215 | BY REPRESENTATIVE THOMAS     |
| HOUSE BILL NO. 2231 | BY REPRESENTATIVE BOYD       |
| HOUSE BILL NO. 2268 | BY REPRESENTATIVE HUTCHINSON |
| HOUSE BILL NO. 2317 | BY REPRESENTATIVE C. TAYLOR  |
| HOUSE BILL NO. 2326 | BY REPRESENTATIVE WOOD       |
| HOUSE BILL NO. 2340 | BY REPRESENTATIVE HOUSE      |
| HOUSE BILL NO. 2349 | BY REPRESENTATIVE CHILDERS   |
| HOUSE BILL NO. 2366 | BY REPRESENTATIVE ROEBUCK    |
| HOUSE BILL NO. 2390 | BY REPRESENTATIVE PENIX      |
| HOUSE BILL NO. 2413 | BY REPRESENTATIVE NAPPER     |
| HOUSE BILL NO. 2485 | BY REPRESENTATIVE HARDWICK   |
| HOUSE BILL NO. 2479 | BY REPRESENTATIVE WOOD       |
| HOUSE BILL NO. 2508 | BY REPRESENTATIVE MATHIS     |

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED.

(continued)

HOUSE BILL NO. 2703 BY REPRESENTATIVE THYER  
HOUSE BILL NO. 2704 BY REPRESENTATIVE MARTIN  
HOUSE BILL NO. 2819 BY REPRESENTATIVE LAMOUREUX  
HOUSE BILL NO. 2849 BY REPRESENTATIVE GIBBS  
EMERGENCY CLAUSE FAILED OF ADOPTION

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND  
ORDERED TRANSMITTED TO THE SENATE

---

HOUSE CONCURRENT RESOLUTION NO. 1024  
BY REPRESENTATIVE JUDY  
HOUSE CONCURRENT RESOLUTION NO. 1033  
BY REPRESENTATIVE JUDY  
HOUSE CONCURRENT RESOLUTION NO. 1035  
BY REPRESENTATIVE DEES

NOTICE OF RETURN OF HOUSE BILLS AS REQUESTED

---

HOUSE BILL NO. 1343 BY REPRESENTATIVE NAPPER

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

---

SENATE BILL NO. 18 BY SENATOR BAKER  
SENATE BILL NO. 152 BY JOINT BUDGET COMMITTEE  
AS AMENDED #1 & #2  
SENATE BILL NO. 258 BY SENATOR BISBEE  
AS AMENDED #1  
SENATE BILL NO. 303 BY SENATOR LUKER  
SENATE BILL NO. 308 BY SENATOR WILKINSON  
AS AMENDED #1  
SENATE BILL NO. 316 BY SENATOR FARIS  
SENATE BILL NO. 324 BY SENATOR WILKINS

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED.(continued)

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. 347 BY SENATOR BAKER  
SENATE BILL NO. 356 BY SENATOR WILKINS  
SENATE BILL NO. 357 BY SENATOR WILKINS  
SENATE BILL NO. 370 BY SENATOR WILKINS  
SENATE BILL NO. 388 BY SENATOR J. BOOKOUT  
SENATE BILL NO. 400 BY SENATOR LUKER  
SENATE BILL NO. 407 BY SENATOR BAKER  
SENATE BILL NO. 429 BY SENATOR BROADWAY  
SENATE BILL NO. 482 BY SENATOR BROADWAY  
SENATE BILL NO. 532 BY SENATOR T. SMITH  
SENATE BILL NO. 539 BY SENATOR WILKINS  
SENATE BILL NO. 540 BY SENATOR WILKINS  
SENATE BILL NO. 554 BY SENATOR CAPPS  
SENATE BILL NO. 651 BY SENATOR FARIS  
SENATE BILL NO. 671 BY SENATOR WILKINS  
SENATE BILL NO. 676 BY SENATOR WILKINS  
SENATE BILL NO. 754 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 877 BY SENATOR J. BOOKOUT

ARKANSAS SENATE  
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

---

HOUSE BILL NO. 1061 BY REPRESENTATIVE MATHIS  
HOUSE BILL NO. 1387 BY REPRESENTATIVE C. JOHNSON  
HOUSE BILL NO. 1389 BY REPRESENTATIVE ORMOND  
HOUSE BILL NO. 1457 BY REPRESENTATIVE C. JOHNSON  
HOUSE BILL NO. 1540 BY REPRESENTATIVE HUTCHINSON  
AS AMENDED #1  
HOUSE BILL NO. 1549 BY REPRESENTATIVE JEFFREY  
HOUSE BILL NO. 1552 BY REPRESENTATIVE JEFFREY  
HOUSE BILL NO. 1553 BY REPRESENTATIVE CLEVELAND  
AS AMENDED #2 & #3  
HOUSE BILL NO. 1619 BY REPRESENTATIVE GREEN  
AS AMENDED #1  
HOUSE BILL NO. 1788 BY REPRESENTATIVE BLEDSOE

ARKANSAS SENATE  
SENATE BILLS RECEIVED FROM SENATE

---

SENATE BILL NO. 156 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 183 BY SENATOR BISBEE  
SENATE BILL NO. 187 BY SENATOR HIGGINBOTHOM  
SENATE BILL NO. 272 BY JOINT BUDGET COMMITTEE  
SENATE BILL NO. 280 BY SENATOR BROADWAY  
SENATE BILL NO. 321 BY SENATOR WOOLDRIDGE  
SENATE BILL NO. 340 BY SENATOR WOOLDRIDGE  
SENATE BILL NO. 346 BY SENATOR WOOLDRIDGE  
SENATE BILL NO. 406 BY SENATOR HENDREN  
SENATE BILL NO. 560 BY SENATOR WOOLDRIDGE  
SENATE BILL NO. 703 BY SENATOR BAKER  
SENATE BILL NO. 714 BY SENATOR SALMON  
SENATE BILL NO. 722 BY SENATOR MALONE  
SENATE BILL NO. 734 BY SENATOR MALONE  
SENATE BILL NO. 749 BY SENATOR SALMON  
SENATE BILL NO. 750 BY SENATOR WILKINS  
SENATE BILL NO. 771 BY SENATOR SALMON

SENATE BILLS RECEIVED FROM SENATE, (continued)

SENATE BILL NO. 776 BY SENATE REVENUE AND TAX  
SENATE BILL NO. 812 BY SENATOR GULLETT  
SENATE BILL NO. 832 BY SENATOR BROADWAY  
SENATE BILL NO. 845 BY SENATOR BROADWAY  
SENATE BILL NO. 906 BY SENATOR WOOLDRIDGE  
SENATE BILL NO. 937 BY SENATOR STEELE  
SENATE BILL NO. 945 BY SENATOR STEELE  
SENATE BILL NO. 952 BY SENATOR MADISON

ARKANSAS SENATE  
NOTICE OF RETURN OF SENATE BILLS

---

SENATE BILL NO. 97 BY SENATOR BROADWAY

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

---

Little Rock, Arkansas

March 20, 2003

MR. SPEAKER:

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

HOUSE BILL NO. 1067 BY JOINT BUDGET COMMITTEE  
 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. 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. 2151 BY REPRESENTATIVE AGEE, ET AL  
 HOUSE BILL NO. 2152 BY REPRESENTATIVE AGEE, ET AL  
 HOUSE BILL NO. 1030 BY REPRESENTATIVE HOUSE, ET AL  
 HOUSE BILL NO. 1033 BY REPRESENTATIVES DOBBINS, CLEMONS  
 HOUSE BILL NO. 1038 BY REPRESENTATIVE FERGUSON, ET AL  
 HOUSE CONCURRENT RESOLUTION NO. 1032  
 BY REPRESENTATIVE CHILDERS

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 9:23 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

---

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 1067 BY JOINT BUDGET COMMITTEE  
 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. 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. 2151 BY REPRESENTATIVE AGEE, ET AL  
 HOUSE BILL NO. 2152 BY REPRESENTATIVE AGEE, ET AL  
 HOUSE BILL NO. 1030 BY REPRESENTATIVE HOUSE, ET AL  
 HOUSE BILL NO. 1033 BY REPRESENTATIVES DOBBINS, CLEMONS  
 HOUSE BILL NO. 1038 BY REPRESENTATIVE FERGUSON, ET AL  
 HOUSE CONCURRENT RESOLUTION NO. 1032  
 BY REPRESENTATIVE CHILDERS

/s/ Mike Huckabee - Governor

TIME: 9:23 a.m.

By: Sarah Martin

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

---

March 20, 2003

I am requesting that the record show that I intended to vote against HB 2849. I was meeting with a constituent and my machine was voted incorrectly.

/s/ Jeremy Hutchinson

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

---

March 20, 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 2849.

Respectfully submitted,

/s/ Jo Renshaw  
Chief Clerk, House of Representatives

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

---

**M E M O R A N D U M**

TO: Whom It May Concern  
 FROM: House Committee on the Journal; Engrossed and Enrolled Bills  
 DATE: March 20, 2003  
 SUBJECT: Amendment #1 to House Bill 1922

\*\*\*\*\*

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of two errors in Amendment #1 to HB1922. In the Amendment, the first paragraph should read, "Page 1, line 32" instead of "Page 1, line 33". The second paragraph should read, "Page 2, line 1" instead of "Page 2, line 2".

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1922.

/s/ Herschel W. Cleveland  
 Speaker of the House

Jodie Mahony

/s/ Mike Creekmore, Chairman

/s/ Lenville Evans

/s/ Robert J. White, Chairman  
 House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

STATE OF ARKANSAS  
HOUSE OF REPRESENTATIVES

---

**M E M O R A N D U M**

TO: Whom It May Concern  
FROM: House Committee on the Journal; Engrossed and Enrolled Bills  
DATE: March 20, 2003  
SUBJECT: Amendment #1 to House Bill 2337

\*\*\*\*\*

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #1 to HB2337. In the Amendment, the last paragraph on page 3 should read, "Page 7, line 6" instead of "Page 7, line 2".

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB2337.

/s/ Herschel W. Cleveland  
Speaker of the House

Jodie Mahony

/s/ Mike Creekmore, Chairman

/s/ Lenville Evans

/s/ Robert J. White, Chairman  
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE RESOLUTION NO. 1028

---

BY: REPRESENTATIVE THOMASON

COMMENDING ALL ARKANSANS WHO, AS MEMBERS OF THE NATIONAL GUARD, RESERVE AND ACTIVE DUTY FORCES OF THE UNITED STATES OF AMERICA ARE INVOLVED IN OPERATION "IRAQI FREEDOM" AND SUPPORTING OUR NATION'S RESOLVE TO LIBERATE THE PEOPLE OF IRAQ FROM THE TYRANNICAL RULE OF SADDAM HUSSEIN.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

HOUSE RESOLUTION NO. 1029

---

BY: REPRESENTATIVE CHESTERFIELD

RECOGNIZING AND COMMENDING ALPHA KAPPA ALPHA, INCORPORATED FOR ITS COMMUNITY SERVICE.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 183

---

BY: SENATOR BISBEE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PRECLUDE THE ARKANSAS STATE CLAIMS COMMISSION FROM HEARING CLAIMS AGAINST THE *DEPARTMENT OF COMMUNITY CORRECTION FOR ACTS COMMITTED BY PAROLEES AND PERSONS ON PROBATION; TO PRECLUDE SIMILAR CLAIMS AGAINST THE DEPARTMENT OF CORRECTION FOR ACTS COMMITTED BY INMATES WHILE ON AUTHORIZED OR UNAUTHORIZED RELEASE; AND FOR OTHER PURPOSES.*

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 187

---

BY: SENATOR HIGGINBOTHOM

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO EXPAND THE LIST OF PROSPECTIVE JURORS TO INCLUDE LICENSED DRIVERS BEGINNING JANUARY 1, 2005; AND FOR OTHER PURPOSES.*

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

SENATE BILL NO. 280

---

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REVISE THE POWERS OF A REGIONAL WATER DISTRIBUTION DISTRICT REGARDING THE MEETINGS OF THE BOARD OF DIRECTORS; AND FOR OTHER PURPOSES.*

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 321

---

BY: SENATORS WOOLDRIDGE, MILLER, CRITCHER

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND THE LAW REGARDING ASSISTANCE FOR INDIGENT PERSONS; AND FOR OTHER PURPOSES.*

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

**SENATE BILL NO. 340**

---

**BY: SENATORS WOOLDRIDGE, MILLER, GLOVER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF TAXPAYER FOR PURPOSES OF THE ARKANSAS TAX PROCEDURE ACT; TO CLARIFY THE TIME DURING WHICH AN OVERPAYMENT OF TAX BY A TAXPAYER WHO IS NOT REQUIRED TO FILE A RETURN MUST BE CLAIMED; TO CLARIFY THE PROCEDURE FOR APPEALING A TAX ASSESSMENT AFTER PAYMENT; AND FOR OTHER PURPOSES.

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

**SENATE BILL NO. 346**

---

**BY: SENATORS WOOLDRIDGE, MILLER, GLOVER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE REAL ESTATE TRANSFER TAX LAW TO CLARIFY THAT INSTRUMENTS CONVEYING LAND BETWEEN PARTNERSHIPS, LIMITED LIABILITY COMPANIES, OR OTHER BUSINESS ENTITIES AS A RESULT OF A REORGANIZATION OR MERGER ARE EXEMPT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 406

---

BY: SENATOR HENDREN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE INSURANCE COMPANIES TO PROVIDE THEIR NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' CODE NUMBERS ON AUTOMOBILE PROOF OF INSURANCE CARDS; TO REPEAL ARKANSAS CODE § 27-22-108; TO REQUIRE THE ARKANSAS CRIME INFORMATION CENTER TO PROVIDE LAW ENFORCEMENT OFFICERS WITH ACCESS TO THE INSURANCE INFORMATION DATABASE; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 560

---

BY: SENATORS WOOLDRIDGE, MILLER, GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE PROHIBITED CONDUCT, PENALTIES, AND TIME LIMITATIONS REGARDING THE HOMESTEAD PROPERTY TAX CREDIT; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 703

---

BY: SENATOR BAKER

BY: REPRESENTATIVE SCROGGIN

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PRESCRIBE TIME PERIODS FOR MAINTAINING VARIOUS MUNICIPAL POLICE DEPARTMENT RECORDS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

**SENATE BILL NO. 722**

---

**BY: SENATOR MALONE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND VARIOUS SECTIONS OF THE PHARMACY ACT, § 17-92-101 THROUGH 17-92-1007; TO ESTABLISH A REGULATORY PROCESS TO RECOGNIZE PHARMACISTS WHO HAVE BEEN LICENSED FOR 50 YEARS; TO PROVIDE COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA); TO ALLOW CRIMINAL BACKGROUND CHECKS ON INDIVIDUALS LICENSED OR PERMITTED BY THE ARKANSAS STATE BOARD OF PHARMACY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

**SENATE BILL NO. 734**

---

**BY: SENATOR MALONE**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE DEFINITIONS OF COMMODITIES AND SERVICES FOR ETHICS IN PUBLIC CONTRACTING; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

**SENATE BILL NO. 749**

---

**BY: SENATORS SALMON, WILKINSON, TRUSTY, J. BOOKOUT, BAKER**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT THE ADJUTANT GENERAL HAS THE AUTHORITY TO CONVEY AND TO DISPOSE OF THE STATE'S INTEREST IN EXCESS MILITARY PROPERTY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

SENATE BILL NO. 750

---

BY: SENATOR WILKINS

BY: REPRESENTATIVE D. EVANS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 14-42-107 TO PROHIBIT MUNICIPAL OFFICIALS AND EMPLOYEES FROM BEING INTERESTED IN CONTRACTS OR SALES TO MUNICIPALITIES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 771

---

BY: SENATOR SALMON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL ARKANSAS CODE § 26-77-101 CONCERNING PENALTIES FOR VIOLATING THE PROVISIONS REGARDING MUNICIPAL OCCUPATIONAL TAXES AND LICENSES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY AND LOCAL AFFAIRS.

SENATE BILL NO. 776

---

BY: REVENUE & TAX - SENATE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REPEAL THE FEDERAL SOCIAL SECURITY (OASDI) TAX CREDIT, ALSO KNOWN AS THE WORKING TAXPAYER CREDIT, AGAINST INDIVIDUAL INCOME TAX; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 812

---

BY: SENATOR GULLETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS DISTANCE LEARNING DEVELOPMENT PROJECT ACT OF 2003; TO REPEAL THE ARKANSAS DISTANCE LEARNING DEMONSTRATION PROJECT ACT OF 1995; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 832

---

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO EXEMPT INHERENTLY VISUAL TECHNOLOGIES FROM THE NONVISUAL ACCESS STANDARDS UNDER ARKANSAS CODE § 25-26-204; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY.

SENATE BILL NO. 845

---

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOLS EDUCATIONAL COOPERATIVES TO USE CERTAIN FINANCIAL MANAGEMENT SYSTEMS APPLICATIONS OF THE ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 906

---

BY: SENATOR WOOLDRIDGE

BY: *REPRESENTATIVE LEDBETTER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS CODE § 8-6-418; TO HELP KEEP ARKANSAS NAVIGABLE WATERWAYS CLEAN AND SAFE; TO ALLOW INTERESTED CITIZENS TO REMOVE DANGEROUS AND ENVIRONMENTALLY HAZARDOUS MATERIALS FOR THE STATE'S NAVIGABLE WATERWAYS; AND FOR OTHER PURPOSES.

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

SENATE BILL NO. 937

---

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO RESTRUCTURE THE ARKANSAS MINORITY HEALTH COMMISSION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 945

---

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE DEPARTMENT OF HEALTH, AND THE MINORITY HEALTH COMMISSION TO STUDY DISPARITIES IN HEALTH AND HEALTH CARE BETWEEN MINORITY AND MAJORITY COMMUNITIES; TO REPORT FINDINGS TO THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE, AND LABOR; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 952

---

BY: SENATOR MADISON

BY: REPRESENTATIVES DEES, WALTERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE THE PROVISIONS CONCERNING THE POWERS AND DUTIES OF A JUVENILE OMBUDSMAN AND ASSISTANT JUVENILE OMBUDSMEN APPOINTED BY THE EXECUTIVE DIRECTOR OF THE ARKANSAS PUBLIC DEFENDER COMMISSION; AND FOR OTHER PURPOSES.

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

Upon motion of Representative Gillespie, the House adjourned at 4:38 p.m. until 10:00 a.m. Friday, March 21, 2003.

ATTEST:

---

Herschel W. Cleveland  
Speaker of the House of Representatives

---

Jo Renshaw  
Chief Clerk

