

**SEVENTY-NINTH DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
April 1, 2003

The House was called to order at 1:05 p.m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total97

The following member(s) was absent and did not answer to the roll call:
Agee, Penix, J. Taylor.

Total03

A quorum was present.

Unanimous leave was granted for Representative(s) Agee, Penix. J. Taylor.

Representative Agee was present at 2:24 p.m.

The House stood and was led in prayer by Bishop James Bolden, Evangelistic Ministries Church, Jacksonville, 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

April 1, 2003

JOINT BUDGET

PAUL WEAVER

CHAIRPERSON

HOUSE BILL NO. 1206

DO PASS

BY JOINT BUDGET COMMITTEE

HOUSE BILL NO. 1536

DO PASS

BY JOINT BUDGET COMMITTEE

AS AMENDED #1

HOUSE BILL NO. 1629

DO PASS

BY REPRESENTATIVES J. TAYLOR, THOMAS AND

BY SENATOR GULLETT

HOUSE BILL NO. 1630

DO PASS

BY REPRESENTATIVES J. TAYLOR, BRADFORD AND

BY SENATOR GULLETT

HOUSE BILL NO. 1631

DO PASS

BY REPRESENTATIVES J. TAYLOR, BOLIN AND

BY SENATOR J. JEFFRESS

HOUSE BILL NO. 1738

DO PASS

BY REPRESENTATIVE MILLIGAN AND

BY SENATOR BOOKOUT

HOUSE BILL NO. 1836

DO PASS

BY REPRESENTATIVES ANDERSON, HARDWICK

COMMITTEE REPORT

April 1, 2003

JUDICIARY

MIKE HATHORN

CHAIRPERSON

HOUSE BILL NO. 1263

DO PASS

BY REPRESENTATIVE HATHORN

AS AMENDED #1

SENATE BILL NO. 693

DO PASS

BY SENATOR GLOVER

COMMITTEE REPORT

	April 1, 2003
HOUSE RULES	THOMAS MOORE CHAIRPERSON
HOUSE BILL NO. 1755 BY REPRESENTATIVE HARRIS	DO PASS
HOUSE BILL NO. 2194 BY REPRESENTATIVE BRADFORD	DO PASS, TO CONCUR IN SENATE AMENDMENT #1
HOUSE BILL NO. 2290 BY REPRESENTATIVE LEDBETTER	DO PASS AS AMENDED #2
SENATE BILL NO. 97 BY SENATOR BROADWAY	DO PASS
SENATE BILL NO. 462 BY SENATOR LUKER	DO PASS AS AMENDED #2

COMMITTEE REPORT

	April 1, 2003
EDUCATION	CALVIN JOHNSON CHAIRPERSON
HOUSE BILL NO. 2272 BY REPRESENTATIVE KEY	DO PASS
HOUSE BILL NO. 2657 BY REPRESENTATIVE C. JOHNSON	DO PASS AS AMENDED #1
HOUSE BILL NO. 2746 BY REPRESENTATIVE C. TAYLOR	DO PASS AS AMENDED #1
HOUSE BILL NO. 2775 BY REPRESENTATIVE C. JOHNSON	DO PASS AS AMENDED #1
HOUSE RESOLUTION NO. 1038 BY REPRESENTATIVE CHESTERFIELD	DO PASS
SENATE BILL NO. 881 BY SENATOR BAKER	DO PASS

COMMITTEE REPORT

	April 1, 2003
REVENUE AND TAXATION	BOYD HICKINBOTHAM
	CHAIRPERSON
SENATE BILL NO. 342	DO PASS
BY SENATOR WOOLDRIDGE	
SENATE BILL NO. 346	DO PASS
BY SENATOR WOOLDRIDGE	
SENATE BILL NO. 483	DO PASS
BY SENATOR HILL	
SENATE BILL NO. 560	DO PASS
BY SENATOR WOOLDRIDGE	

COMMITTEE REPORT

	April 1, 2003
PUBLIC TRANSPORTATION	JOHNNIE BOLIN
	CHAIRPERSON
SENATE BILL NO. 819	DO PASS
BY SENATOR MADISON	
SENATE BILL NO. 853	DO PASS
BY SENATOR WOMACK	

COMMITTEE REPORT

	April 1, 2003
PUBLIC HEALTH, WELFARE AND LABOR	GARY BIGGS
	VICE CHAIRPERSON
HOUSE BILL NO. 1965	DO PASS
BY REPRESENTATIVE HAAK	
HOUSE BILL NO. 2273	DO PASS
BY REPRESENTATIVE BIGGS	AS AMENDED #2
HOUSE BILL NO. 2307	DO PASS, TO CONCUR IN
BY REPRESENTATIVE BLEDSOE	SENATE AMENDMENT #1
HOUSE BILL NO. 2318	DO PASS
BY REPRESENTATIVE C. TAYLOR	

HOUSE BILL NO. 2403	DO PASS
BY REPRESENTATIVE COWLING	NON-CONTROVERSIAL
HOUSE BILL NO. 2486	DO PASS
BY REPRESENTATIVE J. JOHNSON	
HOUSE BILL NO. 2800	DO PASS
BY REPRESENTATIVE BRADFORD	
HOUSE RESOLUTION NO. 1034	DO PASS
BY REPRESENTATIVE ELLIOTT	
SENATE BILL NO. 656	DO PASS
BY SENATOR HENDREN	NON-CONTROVERSIAL
SENATE BILL NO. 722	DO PASS
BY SENATOR MALONE	NON-CONTROVERSIAL
SENATE BILL NO. 760	DO PASS
BY SENATOR GLOVER	
SENATE BILL NO. 939	DO PASS
BY SENATOR STEELE	
SENATE BILL NO. 941	DO PASS
BY SENATOR STEELE	
SENATE BILL NO. 945	DO PASS
BY SENATOR STEELE	AS AMENDED #1 & #2

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

April 1, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1760 - TITLE - BY REPRESENTATIVE BRADFORD, ET AL
HOUSE BILL NO. 1796 BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 1992 BY REPRESENTATIVE GILLESPIE
HOUSE BILL NO. 2062 - TITLE - BY REPRESENTATIVE C. JOHNSON, ET AL
HOUSE BILL NO. 2128 - TITLE - BY REPRESENTATIVE PRITCHARD
HOUSE BILL NO. 2187 - TITLE - BY REPRESENTATIVE C. JOHNSON
HOUSE BILL NO. 2205 BY REPRESENTATIVE OGLESBY
HOUSE BILL NO. 2329 BY REPRESENTATIVE JONES, ET AL
HOUSE BILL NO. 2384 BY REPRESENTATIVE VERKAMP
HOUSE BILL NO. 2444 BY REPRESENTATIVE COWLING
HOUSE BILL NO. 2502 BY REPRESENTATIVE ADAMS, ET AL
HOUSE BILL NO. 2503 BY REPRESENTATIVE SULLIVAN, ET AL
HOUSE BILL NO. 2510 - TITLE - BY REPRESENTATIVE BENNETT
HOUSE BILL NO. 2573 - TITLE - BY REPRESENTATIVE LEDBETTER, ET AL
HOUSE BILL NO. 2677 BY REPRESENTATIVE MAHONY
HOUSE BILL NO. 2817 - TITLE - BY REPRESENTATIVE GILLESPIE, ET AL
HOUSE BILL NO. 2847 BY REPRESENTATIVE ADAMS
HOUSE BILL NO. 2893 BY REPRESENTATIVE J. JOHNSON, ET AL
HOUSE BILL NO. 2895 BY REPRESENTATIVE HAAK
SENATE BILL NO. 228 BY SENATOR GLOVER
SENATE BILL NO. 274 - TITLE - BY SENATOR WOMACK

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1760

BY: REPRESENTATIVES BRADFORD, THOMASON, ROSENBAUM, JUDY, BORHAUER, ELLIOTT, CREEKMORE, HUTCHINSON, LENDALL, LEWELLEN, MARTIN, SCHULTE, WOOD, BRIGHT, ROEBUCK, C. JOHNSON, *LEDBETTER, S. PRATER*

BY: SENATORS GULLETT, BAKER, LAVERTY, ARGUE, STEELE, BROADWAY, SALMON, WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR COMMUNITY-BASED ACUTE MENTAL HEALTHCARE FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF MENTAL HEALTH SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2062

BY: REPRESENTATIVES C. JOHNSON, WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO *CREATE WITHIN THE DEPARTMENT OF EDUCATION AN OFFICE FOR THE PURPOSE OF TEACHER RECRUITMENT*; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2128

BY: REPRESENTATIVE PRITCHARD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR STATE ASSISTANCE AND OPERATION GRANTS TO DRUG COURT PROGRAMS FOR THE *DEPARTMENT OF HEALTH* FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2187

BY: REPRESENTATIVE C. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIP PROGRAM; TO CREATE A COMMITTEE FOR SELECTING SCHOLARSHIP RECIPIENTS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2510

BY: REPRESENTATIVE BENNETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE PARENTS TO ATTEND SCHOOL CONFERENCES CONCERNING DISCIPLINARY PROBLEMS WITH *THEIR CHILD AND TO PROVIDE FOR A FINE FOR FAILURE TO COMPLY; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2573

BY: REPRESENTATIVES LEDBETTER, HATHORN, *MILLIGAN, L. PRATER*

A BILL FOR AN ACT TO BE ENTITLED THE ARKANSAS LIVESTOCK AND POULTRY GROWERS PROTECTION ACT.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2817

BY: REPRESENTATIVES GILLESPIE, *NICHOLS*

BY: *SENATOR HORN*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY *REFORM ACT OF 1997; TO RESTRUCTURE THE ARKANSAS INTRASTATE CARRIER COMMON LINE POOL TO PROMOTE LOWER INTRASTATE TOLL RATES BY STABILIZING THE CARRIER COMMON LINE RATE; AND FOR OTHER PURPOSES.*

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 274

BY: *SENATOR WOMACK*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE TERM "WORKING DAY" AS IT APPLIES TO THE AMOUNT OF SICK LEAVE GRANTED TO MUNICIPAL *POLICE OFFICERS AND FIRE FIGHTERS; AND FOR OTHER PURPOSES.*

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 2187** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2187

Amend **HOUSE BILL NO. 2187** as originally introduced:

Page 1, line 11, delete "COMMISSION" and substitute "COMMITTEE"

AND

Page 1, line 17, delete "COMMISSION" and substitute "COMMITTEE"

AND

Page 4, line 24, delete "Commission" and substitute "Committee"

AND

Page 4, line 25, delete "commission" and substitute "committee"

AND

Page 4, line 26, delete "Commission" and substitute "Committee"

AND

Page 4, line 27, delete "commission" and substitute "committee"

AND

Page 4, line 29, delete "commission" and substitute "committee"

AND

Page 5, line 6, delete "commission" and substitute "committee"

AND

Page 5, line 9, delete "commission" and substitute "committee"

AND

Page 5, line 11, delete "commission" and substitute "committee"

AND

Page 5, line 13, delete "commission" and substitute "committee"

AND

Page 5, line 20, delete "commission" and substitute "committee"

AND

Page 5, line 21, delete "commission" and substitute "committee"

AND

Page 5, line 22, delete "commission" and substitute "committee"

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative C. Johnson, **HOUSE BILL NO. 2062** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2062

Amend **HOUSE BILL NO. 2062** as engrossed, H3/28/03:

Page 1, line 9, delete "CREATE THE ARKANSAS TEACHER CENTER" and substitute "CREATE WITHIN THE DEPARTMENT OF EDUCATION AN OFFICE FOR THE PURPOSE OF TEACHER RECRUITMENT"

AND

Page 1, line 13, delete "CREATE THE ARKANSAS TEACHER CENTER" and substitute "CREATE WITHIN THE DEPARTMENT OF EDUCATION AN OFFICE FOR THE PURPOSE OF TEACHER RECRUITMENT."

AND

Page 1, delete line 14 entirely

AND

Page 2, line 21, delete "Arkansas Teacher Center" and substitute "office"

/s/ Calvin Johnson

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Sullivan, **HOUSE BILL NO. 2503** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2503

Amend **HOUSE BILL NO. 2503** as originally introduced:

Page 4, line 13 add "circuit" before "judge"

AND

Page 4, line 23 add "circuit" before "judge"

AND

Page 5, line 5 add "circuit" before "judge"

AND

Page 5, line 8 add "circuit" before "judge"

AND

Page 5, line 13 add "unless otherwise ordered by the court, the results of the pen register shall be furnished to the applicant at reasonable intervals during regular

business hours, for the duration of the order” after “carrier” and before the “

AND

Page 5, line 15 add “circuit” before “judge”

AND

Page 5, line 18 add “circuit” before “judge”

AND

Page 6, line 3 add “circuit” before “court”

AND

Page 6, line 11 add:

“(h) A law enforcement officer is not required to file an application or obtain an order under this section before the officer makes an otherwise lawful search, with or without a warrant, to determine the contents of a caller identification message, pager message, or voice message that is contained within the memory of an end-user’s identification, paging, or answering device.”

AND

Page 11, line 6 delete “on” and substitute “in”

AND

Page 16, line 31 add:

“(g)(1) This section does not apply to a global positioning device or similar device installed in or on an item or property by the owner or with the consent of the owner of the property.

“(2) A device described by this subsection (g) may be monitored by a private entity in an emergency.”

AND

Page 17, line 11 add the following:

“SECTION 17. Nothing in this act shall restrict or prohibit interception and recording of communications not otherwise prohibited by Arkansas Code § 5-60-120.

SECTION 18. (a) It shall be unlawful for any person who knows or learns of the existence of a pen register, tracking device, trap and trace device, or any other kind of electronic intercept, to disclose that fact to the person who is the target of the investigation, or to any other person.

(b) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor.”

/s/ Scott Sullivan

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative White, **HOUSE BILL NO. 2374** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2374

Amend **HOUSE BILL NO. 2374** as originally introduced:

Page 3, line 2, delete "Audit, revisions" and substitute "Revisions"

AND

Page 3, line 4, delete "audit" and substitute "review and revise"

AND

Page 3, line 15, delete "audit plan" and substitute "review shall be to determine if the Arkansas Content Standards and Curriculum Frameworks are designed to:"

AND

Page 3, line 20, delete "course-by-course" and substitute "in each content area"

AND

Page 3, line 35, delete "audit" and substitute "review"

AND

Page 3, line 36, delete "review" and substitute "revise"

AND

Page 4, line 1, delete "audit" and substitute "review"

AND

Page 4, line 5, delete "audit" and substitute "review"

AND

Page 4, delete lines 16 through 23, and substitute the following:

"Processes to be aligned to the state assessment system for core academic areas of reading, writing, mathematics, science, and social studies as funding permits."

AND

Page 4, line 32, delete "six (6) year" and substitute "State Board of Education approved"

AND

Page 5, line 11, delete "ensure that" and substitute "encourage"

AND

Page 5, line 23, delete "area, regardless" and substitute "area, as required by the Arkansas Standards of Accreditation for Arkansas Public Schools regardless"

AND

Page 5, line 29, delete "subject area to" and substitute "subject area as required by the State Board of Education to"

/s/ Robert White

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adams, **HOUSE BILL NO. 2502** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2502

Amend **HOUSE BILL NO. 2502** as originally introduced:

Page 6, line 10 add "a" after "by"

AND

Page 6, line 11 delete "an investigative or"

AND

Page 7, line 16 delete "is" and substitute "as"

AND

Page 17, line 35 add the following:

"SECTION 18. Nothing in this act shall restrict or prohibit interception and recording of communications not otherwise prohibited by Arkansas Code § 5-60-120.

SECTION 19. Emergency interception and use of wire, oral, or electronic communications.

(a) An authorized law enforcement officer, designated by the prosecuting attorney of the county where the installation will be used, may install and use live intercepts if the law enforcement officer reasonably believes that:

(1) An emergency requiring the installation of a live intercept before an order authorizing the installation and use can, with due diligence, be obtained, exist involving immediate danger of death or serious injury to any person; and

(2) There are grounds under this act on which an order could be entered to authorize the installation and use of a live intercept.

(b) If an authorized law enforcement officer installs a live intercept under subsection (a) of this section, the officer must obtain an order approving installation and use within forty-eight (48) hours after the installation begins. If authorization is not obtained within forty-eight (48) hours, the officer shall terminate use of the live intercept on the expiration of the forty-eight (48) hours or at the time the order is denied, whichever is earlier.

(c) The state may not use as evidence in a criminal proceeding any information gained through the use of a live intercept installed under this section if authorization for the live intercept is denied.

SECTION 20. (a) It shall be unlawful for any person who knows or learns of the existence of a pen register, tracking device, trap and trace device, or any other kind of electronic intercept, to disclose that fact to the person who is the target of the investigation, or to any other person.

(b) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor.”

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Adams, **HOUSE BILL NO. 2847** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2847

Amend **HOUSE BILL NO. 2847** as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 5-54-110 is amended to read as follows:

5-54-110. First degree escape.

(a) A person commits the offense of first degree escape if:

(1) Aided by another person actually present, he uses or threatens to use physical force in escaping from custody, a correctional facility, a juvenile detention facility, or a youth services facility at any time from the point of departure from confinement to the return to confinement; or

(2) He uses or threatens to use a deadly weapon in escaping from custody, from a correctional facility, from a juvenile detention facility, or from a youth services facility at any time from the point of departure from confinement to the return to confinement.

(b) First degree escape is a Class C felony.

SECTION 2. Arkansas Code § 5-54-111 is amended to read as follows:

5-54-111. Second degree escape.

(a) A person commits the offense of second degree escape if:

(1) He uses or threatens to use physical force in escaping from custody at any time from the point of departure from confinement to the return to confinement; or

- (2) Having been found guilty of a felony, he escapes from custody; or
 - (3) He escapes from a correctional facility;
 - (4) He escapes from a juvenile detention facility; or
 - (5) He escapes from a youth services facility.
- (b) Second degree escape is a Class D felony.”

/s/ Bob Adams

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

/s/ Ms. Jo Renshaw
Chief Clerk

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

AMENDMENT NO. 4 TO HOUSE BILL NO. 2677

Amend **HOUSE BILL NO. 2677** as engrossed, H3/18/03:

Page 4, line 1, delete “law, and” and substitute “law, as the case may be, and”
AND

Page 4, delete line 36 and substitute the following:

“SECTION 4. Arkansas Code § 7-9-107 is amended to read as follows:”

AND

Page 5, delete lines 1 through 12 and substitute the following:

~~“7-9-107. Approval of ballot titles and popular names of petitions prior to circulation—Publication~~ Filing of original draft of petition prior to circulation.

(a)(1) Before any initiative or referendum petition ordering a vote upon any ~~amendment or act shall be~~ measure is circulated for obtaining signatures of petitioners, the sponsors shall ~~submit~~ file the original draft to ~~the Attorney General, with a proposed legislative or ballot title and popular name~~ of the petition, without signatures, with the official charged with the duty of certifying the measure to appear on the ballot.

(2) The original draft of the petition shall be filed no more than eighteen (18) months before the deadline for filing completed petitions containing signatures.

~~(b)(1) The Attorney General shall, within ten (10) days, approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name~~

~~for each amendment or act. The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure. Upon the filing of completed petitions containing signatures, the official shall determine that the filed petitions conform to the original draft of the petition and that the signatures were obtained after the date of filing of the original draft of the petition.~~

(2) Completed petitions which do not conform to the original draft of the petition, and signatures which were obtained after the date of filing of the original draft of the petition, shall not be counted or certified.

AND

Page 7, delete lines 17 through 20

AND

Page 7, line 21, delete "~~(d)(c)~~" and substitute "~~(d)(b)~~"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Bennett, **HOUSE BILL NO. 2510** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2510

Amend **HOUSE BILL NO. 2510** as originally introduced:

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

"THEIR CHILD AND TO PROVIDE FOR A FINE FOR FAILURE TO COMPLY; AND FOR OTHER PURPOSES."

AND

Delete everything following the enacting clause and substitute the following:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 5 is amended to add an additional section to read as follows:

"6-18-514. Disciplinary conferences.

(a) For the purposes of this section:

(1) "Parent" means:

(A) A natural parent, or a person with whom the student resides if the person is a legal guardian, person in loco parentis, or person who has legal custody of a student under a court order; and

(B) A person to whom the written notices are addressed:

(2) "Disciplinary conference" means a meeting scheduled by a school principal for the purpose of requiring a parent to meet with a teacher and principal to discuss a student's disciplinary problems;

(3) "School administrator" means the principal or superintendent or his or her designee in the school district where the student is enrolled;

(4)(A) "Prosecuting authority" means:

(i) The elected district prosecuting attorney, or his appointed deputy, for schools located in unincorporated areas of the county or within cities not having a police or municipal court; or

(ii) The prosecuting attorney of the city for schools located within the city limits of cities having either a police court or a municipal court in which a city prosecutor represents the city for violations of city ordinances or traffic violations.

(b) Parents are required to attend school disciplinary conferences when requested by the school concerning their child's discipline behavior.

(c) School administrators shall provide written notice of scheduled conferences and shall make a reasonable effort to schedule disciplinary conferences at a time that is convenient with a parent's work schedule.

(1) The second notice for a disciplinary conference shall be sent to the parent's last known address by certified mail, return receipt requested; and

(2) Contain a statement notifying parents that failure to attend disciplinary conferences with the child as requested by a school administrator may subject the parent to have to appear before the district court and to be subject to a civil penalty in an amount as determined by the court, but not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court.

(d)(1) Whenever a parent after receiving two (2) written notices fails to attend a second school disciplinary conference within one (1) year, the school administrator may notify the prosecuting authority who may file an action in district court, juvenile court, or other court of competent jurisdiction to subject the parent to a civil penalty in an amount to be determined by the court, but not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court.

(2) The penalty shall be forwarded by the court to the school attended by the student.

(3) The prosecuting authority shall be exempt from all filing fees and shall take whatever action is necessary to collect the penalty provided for therein.

(4)(A) The purpose of the penalty set forth in this subsection is to impress upon the parents the importance of their involvement in their child's

education.

(B)(i) When assessing penalties, the court shall be aware of any available programs designed to improve the parent-child relationship or parenting skills.

(ii) When practicable and appropriate, the court may utilize mandatory attendance at the programs, attendance with the child in classes or community service requirements in lieu of monetary penalties.

(e) The court may also order the parent to attend any future disciplinary or teacher conferences as required by the school. Failure to attend such conferences may subject the parent to contempt of court."

/s/ Russ Bennett

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Haak, **HOUSE BILL NO. 2895** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2895

Amend **HOUSE BILL NO. 2895** as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 82, Subchapter 10 is amended to add an additional section to read as follows:

6-82-1008. Repayment obligation in certain cases.

(a)(1) It shall be a condition of the receipt of an Arkansas Academic Challenge Scholarship that a recipient complete graduation requirements from an approved institution or a nursing institution as set forth in § 6-82-1007, and comply with all of the other provisions of this act and the scholarship.

(2) If, on a date which is six (6) years from the date any recipient first received any funds under this scholarship, the person fails to complete all requirements of the approved institution or nursing program for graduation, then the recipient shall be obligated to repay to the State of Arkansas all funds received by the recipient, or paid by the State of Arkansas to any person, entity or institution for or on behalf of the recipient under this scholarship program.

(b)(1) The repayment of funds under the foregoing provision shall commence on a date that is not more than ninety (90) days after the end of the six-year period. All sums shall be repaid to the State of Arkansas by the person over a period of five

(5) years with interest, as determined by the Arkansas Student Loan Authority at the time of loan approval.

(2) Any repayment shall cease in the event of the death of the recipient.

(c) From and after the date of this act, the Arkansas Student Loan Authority shall do the following:

(1) Compile and maintain a current list of all recipients who receive Arkansas Academic Challenge Scholarships who are subject to the provisions of this act;

(2) Maintain all permanent records from the scholarship program for each recipient, including distributing and obtaining from the recipient or the recipient's parents or guardian the disclosure under subsection (e)(1) of this section, the promissory note, as well as any notes evidencing repayment, and all correspondence to or from each recipient;

(3) Maintain a current balance of all amounts paid to, or on behalf of, the recipient;

(4) Monitor the funds paid under the program; and

(5) Present to the Legislative Council not later than July 1 of each year, a report of the program and all funds repaid for the prior academic year.

(d) Any funds repaid under the provisions of this act shall be deposited by the Arkansas Student Loan Authority into the Higher Education Grants Fund to be used to provide additional scholarships under this program.

(e) The Department of Higher Education shall develop rules and regulations to implement the foregoing provisions. These regulations shall include, but not be limited to, the following:

(1) A disclosure to the scholarship recipient, and if applicable the recipient's parents or guardians, of the provisions of this act concerning repayment and the six-year period from the first receipt of the funds to graduation;

(2) The forms and other materials necessary and required to administer the repayment of the scholarship funds, including any promissory notes or other obligations; and

(3) Circumstances in which the six-year period may be extended or waived, that shall include matters such as family emergencies, physical or mental disability, or military service."

/s/ David Haak

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. 1760** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1760

Amend **HOUSE BILL NO. 1760** as engrossed, 03/19/03:
Add Representatives Ledbetter and S. Prater as cosponsors of the bill.

/s/ Jay Bradford

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Oglesby, **HOUSE BILL NO. 2205** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2205

Amend **HOUSE BILL NO. 2205** as engrossed, H3/26/03:
Page 1, delete lines 19 through 36.
AND
Page 2, delete lines 1 through 5
AND
Page 2, line 7 delete "SECTION 2." and substitute "SECTION 1."
AND
Page 3, line 8 delete "SECTION 3." and substitute "SECTION 2."
AND
Page 4, delete lines 26 through 36
AND
Page 5, delete lines 1 through 36
AND
Page 6, delete lines 1 through 12

/s/ Steve Oglesby

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 2893** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2893

Amend **HOUSE BILL NO. 2893** as engrossed, H3/25/03:

Page 2, line 7, delete "Health" and substitute "Legislative Health"

AND

Page 2, line 8, delete "twenty-one (21)" and substitute "twenty-two (22)"

AND

Page 2, delete lines 16 and 17 and substitute the following:

"(D) One (1) member currently practicing dentistry in this state;"

AND

Page 2, line 19, delete "state;" and substitute "state who is a member of the Arkansas Education Association;"

AND

Page 3, delete line 19 and substitute the following:

"Teacher Association.

(9) The Department of Human Services shall appoint one (1) member to represent the ARKids First program."

AND

Page 3, line 26, delete "May 31, 2003, shall" and substitute "May 15, 2003, or within fifteen (15) business days after the effective date of this section, shall"

AND

Page 3, delete lines 32 and 33 and substitute the following:

"(e) The committee shall meet at least monthly.

(f)(1) The Bureau of Legislative Research shall furnish reasonable staff assistance to the committee.

(2) The Arkansas Center for Health Improvement, the Department of Health, and the State Board of Education and any other state agencies shall upon request assist the committee and provide the committee with necessary resources and information to carry out the purposes of this subchapter.

(g) Members of the committee shall serve without pay, but may receive"

AND

Page 4, line 3, delete "Study" and substitute "Study and evaluate"

AND

Page 4, line 10, delete "Study" and substitute "Study and evaluate"

AND

Page 4, line 19, delete "its findings" and substitute "its initial findings"

/s/ J. Johnson

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. 2384** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2384

Amend **HOUSE BILL NO. 2384** as engrossed, H3/27/03:

Page 2, line 2, delete "~~Auditor of State~~ Oil and Gas Commission" and substitute "Auditor of State and the Oil and Gas Commission"

AND

Page 2, line 10, delete "~~Auditor of State~~ Oil and Gas Commission" and substitute "Auditor of State and the Oil and Gas Commission"

/s/ J. P. Verkamp

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pritchard, **HOUSE BILL NO. 2128** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2128

Amend **HOUSE BILL NO. 2128** as originally introduced:

Page 1, line 11, delete "ADMINISTRATIVE OFFICE OF THE" and substitute "DEPARTMENT OF HEALTH"

And

Page 1, line 12, delete "COURTS"

And

Page 1, line 17, delete "ADMINISTRATIVE OFFICE OF" and substitute "DEPARTMENT OF HEALTH - ALCOHOL AND DRUG ABUSE PREVENTION"

And

Page 1, line 18, delete "THE COURTS"

And

Page 1, line 27, delete "Administrative Office of the Courts" and substitute "Department of Health"

And

Page 1, line 28, delete "MAG" and substitute "MAGNUM"

And

Page 1, line 29, delete "Administrative Office of the Courts - Drug Court" and substitute

"Department of Health - Alcohol and Drug Abuse Prevention"

And

Page 1, line 30, delete "Programs"

And

Page 1, line 35, delete "\$ 550,000 \$ 600,000" and substitute

"\$ 1,250,000 \$ 1,750,000"

And

Page 2, line 6, delete "MAG" and substitute "MAGNUM"

And

Page 2, line 8, delete "Administrative Office" and substitute "Department of Health - Alcohol and Drug Abuse Prevention"

And

Page 2, line 9, delete "of the Courts"

/s/ Bill Pritchard

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Gillespie, HOUSE BILL NO. 1796 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1796

Amend HOUSE BILL NO. 1796 as originally introduced:

Insert additional subsections immediately following SECTION 1, subsection (A) to read as follows:

- " (B) For the Area Agency on Aging to construct a senior activity center in Pope County, the sum of.....\$200,000.
- (C) For state support to the Crow Mountain Fire Department, the sum of\$10,000.
- (D) For state support to the Atkins Fire Department, the sum of.....\$10,000.
- (E) For state support to the Pottsville Fire Department, the sum of\$10,000."

/s/ Jeff Gillespie

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Gillespie, **HOUSE BILL NO. 1992** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1992

Amend **HOUSE BILL NO. 1992** as originally introduced:

Page 1, line 31, delete "\$500,000." and substitute "\$3,200,000."

AND

Immediately following SECTION 1, add additional sections to read as follows:

" SECTION 2. FUNDING TRANSFER. The Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer the unexpended balance of unobligated monies remaining on June 30, 2003 in the Arkansas Real Property Reappraisal Fund to the General Improvement Fund or its successor fund or fund accounts to provide additional supplemental funds to the General Improvement Fund appropriation provided herein."

AND

Appropriately renumber the section numbers.

/s/ Jeff Gillespie

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Gillespie, **HOUSE BILL NO. 2817** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2817

Amend **HOUSE BILL NO. 2817** as engrossed, H3/31/03:

Add the following Representative as cosponsor of the bill: Nichols

AND

Add the following Senator as cosponsor of the bill: Horn

AND

Page 1, delete line 33 and substitute the following:

“SECTION 2. Arkansas Code § 23-17-403(10), concerning the definition of eligible communications carrier under the Telecommunications Regulatory Act of 1997, is amended to read as follows:

(10) “Eligible telecommunications carrier” means the local exchange carrier determined in accordance with ~~§ 23-17-205~~ § 23-27-405;

SECTION 3. Arkansas Code § 23-17-403(16), concerning the definition of”

AND

Page 2, line 5 delete “SECTION 3.” and substitute the following:

“SECTION 4.”

AND

Page 2, delete line 12 and substitute the following:

“SECTION 5. Arkansas Code § 23-17-403(27), concerning the definition of universal service under the Telecommunications Regulatory Act of 1997, is amended to read as follows:

(27) “Universal service” means those telecommunications services that are defined and listed in the definition of basic local exchange service until changed by the commission pursuant to ~~§ 23-17-404(e)(3)~~ § 23-17-404(e)(2)(A).

SECTION 6. Arkansas Code § 23-17-403, concerning definitions under the”

AND

Page 5, line 14 delete “SECTION 5.” and substitute the following:

“SECTION 7.”

AND

Page 6, line 32 delete, “December 31, 2004.” and substitute “December 31, 2003.”

AND

Page 9, line 33 delete “December 31, 2004.” and substitute “December 31, 2003.”

AND

Page 13, line 25 delete "Arkansas Calling Plan" and substitute "Extension of Telecommunications Facilities"

AND

Page 14, delete line 1 and substitute the following:

"SECTION 8. Arkansas Code § 23-17-409(a), authorizing competing local exchange carriers, is amended to read as follows:

(a)(1)(A) Consistent with the federal act and the provisions of § 23-17-410, the Arkansas Public Service Commission is authorized to grant certificates of convenience and necessity to telecommunications providers authorizing them to provide telecommunications services including basic local exchange service or switched-access service, or both, to an incumbent local exchange carrier's local exchange area if and to the extent that the applications otherwise comply with state law, designate the geographic areas proposed to be served by the applicants, and the applicants demonstrate they possess the financial, technical, and managerial capacity to provide the competing services.

(B) No telecommunications provider shall operate as a CLEC in this state without first obtaining from the commission a certificate of public convenience and necessity.

(2) Competing local exchange carriers shall be required to maintain a current tariff or price list with the commission and to make prices and terms of service available for public inspection.

(3) Retail prices of competing local exchange carriers shall not require prior review or approval by the commission.

SECTION 9. Arkansas Code, Title 23, Chapter 17, is amended to add new"

AND

Renumber the remaining sections accordingly.

/s/ Jeff Gillespie

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. 2 TO HOUSE BILL NO. 2444

Amend **HOUSE BILL NO. 2444** as engrossed, H3/20/03:

Page 2, line 35, delete "fees" and substitute the following:

"fees established by regulation promulgated in accordance with the Arkansas Administrative Procedure Act"

/s/ Ken Cowling

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. 2573** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2573

Amend **HOUSE BILL NO. 2573** as originally introduced:

Add Representatives Milligan and L. Prater as cosponsors of the bill

AND

Page 2, line 7 delete "to"

AND

Page 2, line 10 delete "to"

AND

Page 2, line 14 delete "to"

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Jones, **HOUSE BILL NO. 2329** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2329

Amend **HOUSE BILL NO. 2329** as engrossed, H3/12/03:

Page 10, line 33, delete "All" and substitute "(a) All"

AND

Page 10, delete line 35, and substitute the following:

"shall be deposited in the State Treasury as special revenues to be allocated as follows:

(1) Fifty percent (50%) to the credit of"

AND

Page 11, delete line 2 and substitute the following:

"by law; and

(2) Fifty percent (50%) to the credit of the Arkansas Medicaid Program Trust Fund to be used for the state match of federal funds participation under the Arkansas Medicaid Program as provided by law.

(b) All permit or license fees, penalties, and fines received by the"

/s/ Steve Jones

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Roebuck unanimous leave to withdraw **HOUSE BILL NO. 2398**.

The House gave Representative Verkamp unanimous leave to withdraw **HOUSE BILL NO. 1128**.

Upon motion of Representative Childers, **SENATE BILL NO. 228** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 228

Amend **SENATE BILL NO. 228** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 27-14-2210 is amended to read as follows:

27-14-2210. Vehicles or engines without manufacturers' numbers.

(a) Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any motor vehicle or engine removed from a motor vehicle, from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number placed thereon under assignment from the office has been removed, defaced, covered, altered, or destroyed, for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine, is guilty of a ~~misdemeanor~~ Class D felony.

(b) Any person who pleads guilty or nolo contendere to, or is found guilty of a second or subsequent offense shall be guilty of a Class C felony."

/s/ Marvin Childers

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

/s/ Ms. Jo Renshaw

Chief Clerk

***** EXPUNGED***** 04/08/03*****

Upon motion of Representative Judy, SENATE BILL NO. 274 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 274

Amend SENATE BILL NO. 274 as engrossed, 03/12/03:

Page 1, line 11, delete "FIRE" and substitute "POLICE OFFICERS AND FIRE"
AND

Page 1, line 15, delete "FIRE" and substitute "POLICE OFFICERS AND FIRE"
AND

Page 1, lines 24 through 26, delete "not less than ten (10) working days, nor more than twenty (20) working days per year beginning one (1) year after the date of employment." and substitute "~~twenty (20) working days per year beginning one (1) year after the date of employment~~ not less than one (1) hour of sick leave earned for each thirteen (13) hours that the fire fighter is regularly scheduled to work, and not more than one (1) hour of sick leave earned for each six (6) hours that the fire fighter is regularly scheduled to work."

AND

Page 1, lines 34 and 35, delete "twenty (20) working days per year" and substitute "one (1) hour of sick leave earned for each six (6) hours that the fire fighter is regularly scheduled to work"

AND

Page 2, line 31, add a new section to the bill to read as follows:

"SECTION 2. Arkansas Code § 14-52-107(a)(1), concerning the sick leave for municipal police officers, is amended to read as follows:

(a)(1) From and after April 11, 1969, all law enforcement officers, regardless of their titles, such as city marshal, employed by cities of the first and second class or incorporated towns shall accumulate sick leave at the ~~rate of twenty (20) working days per year~~ one (1) hour of sick leave earned for each thirteen (13) hours that the employee is regularly scheduled to work beginning one (1) year after the date of employment.

/s/ Jan Judy

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

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED***** 04/08/03*****

Morning Hour Expired.

Motion was made by Representative Milligan to resolve the House into the Committee of the Whole for an explanation of the Budget shortfall. Motion carried.

The following directors addressed the General Assembly on the Budget shortfall in their respective departments:

Mr. Richard Weiss
Mr. Kurt Knickrehm
Mr. Larry Norris
Mr. David Guntharp
Mr. Tim Leathers
Mr. Mike Stormes
Mr. Bill Goodman
Mr. Richard Wilson

Following are the Reports.

STATE GENERAL REVENUE BUDGET
2003-2005 BIENNIUM