

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

Little Rock, Arkansas
April 7, 2003

The House was called to order at 1:32 p. m. by Mr. Cleveland, the Speaker.
The following members answered to the roll call:

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

Total99

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

Total01

A quorum was present.

Unanimous leave was granted for Representative(s) Schulte.

The House stood and was led in prayer by Judge Marion Humphrey, Pastor, Allison Presbyterian Church, Little Rock, 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 8, 2003
JOINT BUDGET	PAUL WEAVER CHAIRPERSON
HOUSE BILL NO. 1324 BY REPRESENTATIVES DANGEAU, NICHOLS BY SENATORS LUKER, BRYLES	DO PASS
HOUSE BILL NO. 1354 BY REPRESENTATIVE PARKS AND BY SENATOR BAKER	DO PASS
HOUSE BILL NO. 1355 BY REPRESENTATIVE PARKS AND BY SENATOR BAKER	DO PASS
HOUSE BILL NO. 1357 BY REPRESENTATIVE WEAVER, ET AL	DO PASS
HOUSE BILL NO 1405 BY REPRESENTATIVE BORHAUER	DO PASS
HOUSE BILL NO. 1407 BY REPRESENTATIVE BORHAUER	DO PASS
HOUSE BILL NO. 1408 BY REPRESENTATIVE THOMAS	DO PASS
HOUSE BILL NO. 1409 BY REPRESENTATIVE THOMAS	DO PASS
HOUSE BILL NO. 1410 BY REPRESENTATIVE THOMAS	DO PASS
HOUSE BILL NO. 1411 BY REPRESENTATIVE THOMAS	DO PASS
HOUSE BILL NO. 1541 REPRESENTATIVE ORMOND	DO PASS
HOUSE BILL NO. 1542 BY REPRESENTATIVES ORMOND, SCROGGIN	DO PASS
HOUSE BILL NO. 1548 REPRESENTATIVE MEDLEY	DO PASS
HOUSE BILL NO. 1562 BY JOINT BUDGET COMMITTEE	DO PASS, AS AMENDED # 4
HOUSE BILL NO. 1698 BY REPRESENTATIVE NICHOLS	DO PASS

COMMITTEE REPORT (continued)

HOUSE BILL NO. 1702	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1703	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1704	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1705	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1706	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1716	DO PASS,
BY JOINT BUDGET COMMITTEE	AS AMENDED # 3
HOUSE BILL NO. 1720	DO PASS
BY REPRESENTATIVES MARTIN, DOBBINS	
BY SENATORS SALMON, STEELE	
HOUSE BILL NO. 1725	DO PASS
BY REPRESENTATIVE ORMOND	
HOUSE BILL NO. 1726	DO PASS
BY REPRESENTATIVE ORMOND	
HOUSE BILL NO. 1744	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1745	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 1746	DO PASS
BY REPRESENTATIVE BORHAUER	
HOUSE BILL NO. 1805	DO PASS
BY REPRESENTATIVE STOVALL	
HOUSE BILL NO. 1807	DO PASS
BY REPRESENTATIVE STOVALL	
HOUSE BILL NO. 1817	DO PASS
BY REPRESENTATIVE BRIGHT	
HOUSE BILL NO. 1835	DO PASS
BY REPRESENTATIVES P. BOOKOUT, THYER	
BY SENATOR J. BOOKOUT	

HOUSE BILL NO. 1837 BY REPRESENTATIVE FERGUSON AND BY SENATOR LUKER	DO PASS
HOUSE BILL NO. 1838 BY REPRESENTATIVE FERGUSON AND BY SENATOR HIGGINBOTHOM	DO PASS
HOUSE BILL NO. 1839 BY REPRESENTATIVE FITE	DO PASS
HOUSE BILL NO. 1840 BY REPRESENTATIVE FITE	DO PASS
HOUSE BILL NO. 1841 BY REPRESENTATIVE FITE	DO PASS
HOUSE BILL NO. 1842 BY REPRESENTATIVE FITE	DO PASS
HOUSE BILL NO. 1890 BY REPRESENTATIVE J. JOHNSON AND BY SENATOR BROADWAY	DO PASS
HOUSE BILL NO. 1891 BY REPRESENTATIVE J. JOHNSON AND BY SENATOR BROADWAY	DO PASS
HOUSE BILL NO. 1892 BY REPRESENTATIVE J. JOHNSON AND BY SENATOR BROADWAY	DO PASS
HOUSE BILL NO. 1893 BY REPRESENTATIVE J. JOHNSON AND BY SENATOR BROADWAY	DO PASS
HOUSE BILL NO. 1894 BY REPRESENTATIVE J. JOHNSON AND BY SENATOR BROADWAY	DO PASS
HOUSE BILL NO. 1910 BY REPRESENTATIVE EASON	DO PASS
HOUSE BILL NO. 1911 BY REPRESENTATIVE EASON	DO PASS
HOUSE BILL NO. 1912 BY REPRESENTATIVE EASON	DO PASS
HOUSE BILL NO. 1913 BY REPRESENTATIVE EASON	DO PASS

COMMITTEE REPORT (continued)

HOUSE BILL NO. 1914	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 1915	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 1916	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 1917	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 1918	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 1923	DO PASS
BY REPRESENTATIVES BRIGHT, S. PRATER	
HOUSE BILL NO. 1924	DO PASS
BY REPRESENTATIVES BRIGHT, S. PRATER	
HOUSE BILL NO. 1925	DO PASS
BY REPRESENTATIVES BRIGHT, S. PRATER	
HOUSE BILL NO. 1926	DO PASS
BY REPRESENTATIVE BRIGHT	
HOUSE BILL NO. 1927	DO PASS
BY REPRESENTATIVE BRIGHT	
HOUSE BILL NO. 1928	DO PASS
BY REPRESENTATIVES BRIGHT, S. PRATER	
HOUSE BILL NO. 1929	DO PASS
BY REPRESENTATIVES BRIGHT, S. PRATER	
HOUSE BILL NO. 1931	DO PASS
BY REPRESENTATIVE THOMAS	
HOUSE BILL NO. 1992	DO PASS
BY REPRESENTATIVE GILLESPIE	
HOUSE BILL NO. 1997	DO PASS
BY REPRESENTATIVE DANGEAU AND BY SENATOR LUKER	
HOUSE BILL NO. 1998	DO PASS
BY REPRESENTATIVE DANGEAU AND BY SENATOR LUKER	
HOUSE BILL NO. 1999	DO PASS
BY REPRESENTATIVE DANGEAU AND BY SENATOR LUKER	

HOUSE BILL NO. 2011	DO PASS
BY REPRESENTATIVE MEDLEY	
HOUSE BILL NO. 2015	DO PASS
BY REPRESENTATIVE DANGEAU AND	
BY SENATOR LUKER	
HOUSE BILL NO. 2030	DO PASS
BY REPRESENTATIVE EASON	
HOUSE BILL NO. 2047	DO PASS
BY REPRESENTATIVE DANGEAU AND	
BY SENATOR LUKER	
HOUSE BILL NO. 2085	DO PASS
BY REPRESENTATIVE GREEN	
HOUSE BILL NO. 2086	DO PASS
BY REPRESENTATIVE GREEN	
HOUSE BILL NO. 2102	DO PASS
BY REPRESENTATIVES ORMOND, SCROGGIN	
HOUSE BILL NO. 2104	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2105	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2106	DO PASS
BY REPRESENTATIVES JONES, SUMPTER AND	
BY SENATOR HIGGINBOTHOM	
HOUSE BILL NO. 2107	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2108	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2109	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2110	DO PASS
BY REPRESENTATIVES ORMOND, SCROGGIN	
HOUSE BILL NO. 2111	DO PASS
BY REPRESENTATIVE HAAK AND	
BY SENATOR HORN	
HOUSE BILL NO. 2115	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2116	DO PASS
BY REPRESENTATIVE JONES	

COMMITTEE REPORT (continued)

HOUSE BILL NO. 2117	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2118	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2120	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2121	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2123	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2134	DO PASS
BY REPRESENTATIVE P. BOOKOUT AND	
BY SENATOR J. BOOKOUT	
HOUSE BILL NO. 2140	DO PASS
BY REPRESENTATIVE C. TAYLOR	
HOUSE BILL NO. 2144	DO PASS
BY REPRESENTATIVE JONES	
HOUSE BILL NO. 2167	DO PASS
BY REPRESENTATIVE HATHORN	
SENATE BILL NO. 66	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 147	DO PASS
BY SENATOR GLOVER, ET AL	
SENATE BILL NO. 170	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 284	DO PASS
BY JOINT BUDGET COMMITTEE	

COMMITTEE REPORT

	April 7, 2003
JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS	ROGER SMITH CHAIRPERSON
HOUSE BILL NO. 1233	DO PASS
BY REPRESENTATIVE KING	

COMMITTEE REPORT

AGRICULTURE, FORESTRY AND
 ECONOMIC DEVELOPMENT
 HOUSE BILL NO. 2573
 BY REPRESENTATIVE LEDBETTER

April 7, 2003
 JIMMY "RED" MILLIGAN
 CHAIRPERSON
 DO PASS
 AS AMENDED #2

Upon motion of Representative White, HOUSE BILL NO. 2568 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2568

Amend HOUSE BILL NO. 2568 as originally introduced:

Page 2, line 11, after "require" delete "and provide"

AND

Page 2, delete lines 12 through 13 and substitute the following:

"minimum standards for training for entry level full time firefighters."

AND

Page 2, line 18 delete "eight" and substitute "nine"

AND

Page 2, line 18 after "hundred" insert "twelve"

AND

Page 2, line 19 delete "(2,800)" and substitute "(2,912)"

AND

Page 2, line 23 delete "eight hundred (2,800)" and substitute "nine hundred twelve (2,912)"

AND

Page 2, delete line 25 and substitute the following:

"is prohibited from performing the duties of the fire suppression, rescue, pump operations, or other fire ground activities as described in § 20-22-802(5)."

AND

Page 2, line 27 delete "not to"

AND

Page 2, line 28 delete "exceed one (1) year"

AND

Page 2, line 32 delete "all" and substitute "entry level"

AND

Page 2, delete lines 35 through 36 and substitute the following:

"Protection Association Fire Service Professional Qualifications Standard of 1001."

AND

Page 3, line 4 after "Fire" and before "Academy" insert "Training"

/s/ Robert White

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 2495** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2495

Amend **HOUSE BILL NO. 2495** as originally introduced:

Page 1, delete lines 11 through 13 and substitute the following:

"PRIVACY POLICES INTO THEIR WEBSITES; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 19 through 21 and substitute the following:

"POLICIES INTO THEIR WEBSITES."

AND

Page 1, delete lines 28 through 29 and substitute the following:

"readable privacy policy into each of its websites no later than July 1, 2004."

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 2203** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2203

Amend **HOUSE BILL NO. 2203** as originally introduced:

Page 1, line 33 delete "thirty (30)" and substitute "thirty-five (35)"

AND

Page 2, line 33 delete "five (5)" and substitute "ten (10)"

AND

Page 3, line 8 delete "seven (7)" and substitute "ten (10)"

AND

Page 4, line 23 delete "FIVE (5)" and substitute "TEN (10)"

AND

Page 6, line 24 delete "(5)" and substitute:

"(4)"

AND

Page 7, line delete line 19 and substitute the following:

"provider to whom the subpoena is addressed]

(d) In addition to postage fees, an Internet service provider required to provide notice of subpoena to an anonymous communicator under this section may collect from the party seeking the information a reasonable administrative fee to reimburse the Internet service provider for providing notice of the subpoena and for responding to the subpoena, if applicable.

(e) An Internet service provider shall not be liable for its good faith acts or omissions in compliance with this section.

(f) An Internet service provider shall have an affirmative defense to liability under this section if the Internet service provider has implemented a written policy in compliance with this section and acted in good faith in its attempt to comply with this section."

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 2497** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2497

Amend **HOUSE BILL NO. 2497** as originally introduced:
Page 1, line 25 after "of" and before "Education" insert "Higher"

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Rosenbaum, **HOUSE BILL NO. 2716** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2716

Amend **HOUSE BILL NO. 2716** as originally introduced:
Page 2, line 17 delete "(a)"
AND
Page 2, delete lines 25 through 32
AND
Page 3, line 2 delete "(a)"
AND
Page 3, delete lines 10 though 18
AND
Page 3, line 25 add the following new section:

"SECTION 2. Arkansas Code § 5-65-205(b)(1), concerning penalties for refusal to submit to a chemical test, is amended to read as follows:

(1)(A) Suspension for one hundred eighty (180) days for the first offense of refusing to submit to a chemical test of blood, breath, or urine for the purpose of determining the alcohol or controlled substance contents of the person's blood or breath. However, if the court orders issuance of an ignition interlock restricted license under § 5-65-118, ~~the suspension time for which no restricted license shall be available shall be a minimum of ninety (90) days~~ the interlock restricted license shall be available immediately. The restricted driving permit

provision of § 5-65-120 does not apply to this suspension;

(B) The Office of Driver Services shall, in addition to any other penalties, deny to that person the issuance of an operator's license until that person has been issued an ignition interlock restricted license for a period of six (6) months."

/s/ Sid Rosenbaum

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

/s/ Ms. Jo Renshaw

Chief Clerk

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

AMENDMENT NO. 4 TO HOUSE BILL NO. 2385

Amend **HOUSE BILL NO. 2385** as engrossed, 03/27/03:

Delete everything after the enacting clause and substitute:

"SECTION 1. (a) For acts committed after the effective date of this act, and subject to subsection (e) of this section, a defendant who pleads guilty, nolo contendere, or is found guilty of a felony involving violence enumerated in subsection (b) of this section and who has previously plead guilty, nolo contendere, or been found guilty of two (2) or more felonies involving violence enumerated in subsection (b) of this section, and has been confined on two (2) separate occasions in the Department of Correction for two (2) or more of the previously committed violent felonies, shall be sentenced to life imprisonment.

(b) For the purposes of this section, a felony involving violence shall mean:

(1) Any of the following felonies:

(A) Murder in the first degree, § 5-10-102;

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

(C) Kidnapping, § 5-11-102;

(D) Aggravated robbery, § 5-12-103;

(E) Rape, § 5-14-103;

(F) Sexual assault in the first degree, § 5-14-124;

(G) Sexual indecency with a child, § 5-14-110;

(H) Criminal use of prohibited weapons, § 5-73-104, involving

activities making it a Class B felony; or

(I) Unlawful discharge of a firearm from a vehicle, § 5-74-107.

(2) A conviction of a comparable felony involving violence from another jurisdiction for which the defendant was sentenced and committed to a term of years in a penal facility.

(c) The same procedures shall govern trials at which a sentence to life imprisonment is sought under this section as are used for extended terms of imprisonment under § 5-4-501.

(d) The determination of whether a felony conviction from another jurisdiction is comparable to one of the enumerated felonies involving violence under Arkansas criminal law shall lie within the discretion of the trial judge at the time of sentencing.

(e) Nothing in this section shall be interpreted to conflict or repeal any portion of Arkansas Code § 5-4-501.”

/s/ Jim Medley

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. 2596** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2596

Amend **HOUSE BILL NO. 2596** as originally introduced:

Page 1, delete lines 9 through 12 and substitute:

“AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; AND FOR OTHER PURPOSES.”

And

Page 1, delete lines 16 through 19 and substitute:

“AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA.”

Delete everything after the enacting clause and substitute:

“SECTION 1. (a)(1) Notwithstanding any other provision of law, it shall be unlawful for any person to knowingly possess one ounce (1 oz.) or less of marijuana or tetrahydrocannabinols.

(2) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section shall be imprisoned for no less than twenty-four hours and no more than one (1) year, except that the court may order public service in lieu of jail, and shall be fined not less than one hundred fifty

dollars (\$150) and no more than one thousand dollars (\$1000).

(3) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for the second offense occurring within five (5) years of the first offense, shall be imprisoned for no fewer than seven (7) days but no more than one (1) year or no fewer than thirty (30) days of community service, and shall be fined no less than four hundred dollars (\$400) and no more than three thousand dollars (\$3,000).

(4) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for a third offense occurring within five (5) years of the first offense shall be imprisoned for no fewer than ninety (90) days but no more than one (1) year or no fewer than ninety (90) days of community service, and shall be fined no less than nine hundred dollars (\$900) and no more than five thousand dollars (\$5,000).

(5) Any person who pleads guilty or nolo contendere to, or is found guilty of violating subsection (a)(1) of this section for a fourth or subsequent offense occurring within five (5) years of the first offense shall be imprisoned for at least one (1) year but no more than six (6) years or not less than one (1) year of community service, and shall be fined no more than ten thousand dollars (\$10,000), and shall be guilty of an unclassified felony.

(b) Any person who unlawfully possesses more than one ounce (1 oz.) of marijuana or tetrahydrocannabinols shall be punished as provided under the Uniform Controlled Substances Act, § 5-64-101 et seq.

SECTION 2. Arkansas Code § 16-10-305(a) is amended to add an additional subdivision to read as follows:

“(8)(A) For knowingly possessing one ounce (1 oz.) or less of marijuana or tetrahydrocannabinols in circuit, district or city court, three hundred dollars (\$300).

(B) Two hundred dollars (\$200) of the court costs collected under this subdivision (8) shall be remitted to the Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court Fund which is a special revenue fund created and established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State.”

/s/ Bill Pritchard

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. 2438** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2438

Amend **HOUSE BILL NO. 2438** as originally introduced:

Delete all language after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-20-112(a), regarding county gross receipts tax levied on hotels, motels, and restaurants, is amended to read as follows:

~~(a)(1)(A) Any county in which there is located a city that levies a two percent (2%) gross receipts tax on hotels, motels, and restaurants as authorized in §§ 26-75-601—26-75-613 may levy by ordinance of the county quorum court a like tax at the same rate as the levying city or at a lesser rate upon the furnishing of hotel and motel accommodations and upon the gross receipts of restaurants and similar establishments located within the county outside the boundaries of the levying municipality.~~

~~(B) Any county in which there is located a city that levies a two percent (2%) gross receipts tax on hotels, motels, and restaurants as authorized in § 26-75-701 et seq. may levy by ordinance of the county quorum court a like tax at the same rate as the levying city or at a lesser rate upon the furnishing of hotel and motel accommodations, the admission price to tourist attractions as defined in § 26-52-1001, the gross receipts of gift shops referred to in § 26-75-701, restaurants, and similar establishments located within any township in the county outside the boundaries of the levying municipality. Any county in which there is located a city that levies a gross receipts tax under any of the provisions of § 26-75-602(c) or § 26-75-701 may levy by ordinance of the county quorum court the same tax at the same rate or the same tax at a lesser rate on those establishments located within the county outside the boundaries of the levying city.~~

/s/ Bill H. 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. 2 TO HOUSE BILL NO. 2409

Amend **HOUSE BILL NO. 2409** as engrossed, H3/20/03:

Page 2, line 16, after "area" and before "shall" insert "service"

AND

Page 2, delete lines 20 through 22 and substitute the following:

"(B) A description of the information required for the commission to verify that the rate to be charged for providing extended area service will be just and reasonable and to verify that the rate includes an ILEC's revenue that is replaced by extended area service revenue."

/s/ Bill H. 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. 2441** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2441

Amend **HOUSE BILL NO. 2441** as engrossed, H4/3/03:

Page 2, delete lines 12 through 14 and substitute the following:

"tariffs or interconnection agreements, the commission shall assess a civil sanction against the violating telecommunications provider consistent with state law."

/s/ Bill H. 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. 2435** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2435

Amend **HOUSE BILL NO. 2435** as originally introduced:

Page 1, line 5, delete Representative Stovall as sponsor and add Representative Lamoureux as sponsor.

AND

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 23-17-404(e)(4)(D)(vi) is amended to read as follows:

(vi)(a) The commission is authorized to implement, following July 1, 2003, a phase-in reduction of intrastate Carrier Common Line Pool charges until each carrier's charges are equivalent to the carrier's interstate Carrier Common Line charges, including all other federal common line recovery mechanisms such as subscriber line charges, presubscribed interexchange carrier charges, and long-term support.

(b) Any reduction of intrastate Carrier Common Line Pool charges of incumbent local exchange carriers ordered by the commission shall provide for concurrent recovery of the revenue loss from the AUSF, basic local exchange rates, or a combination thereof; thereof.

(c)(1) Any company may voluntarily elect not to participate in the Arkansas Intrastate Carrier Common Line Pool.

(2) For any company electing not to participate in the Arkansas Intrastate Carrier Common Line Pool, the intrastate carrier common line rate may be adjusted as part of a general rate application before the commission.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that telephone rates have increased for Arkansas residents; that allowing telecommunications providers to terminate participation in the Arkansas Intrastate Carrier Common Line Pool, and allowing the Arkansas Public Service Commission to adjust the intrastate carrier common line rate charged by telecommunications providers as part of a general rate application will promote lower telephone rates for Arkansas residents and will encourage economic development; that this act is immediately necessary to implement the administrative changes necessary to allow providers to terminate participation in the pool and to allow the adjustment of the intrastate carrier common line rate; and that any delay in the effective date of this act could create an undue burden upon

Arkansas citizens and could work irreparable harm upon the efficient provision of telecommunications services throughout Arkansas. 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/ Bill H. Stovall

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. 3 TO HOUSE BILL NO. 2337

Amend **HOUSE BILL NO. 2337** as engrossed, h4/02/03:

Page 1, delete lines 28 through 31 and substitute the following:

"(2)(A) "Direct-care staff" means any licensed or certified nursing staff who provides direct, hands-on care to residents in a nursing facility."

AND

Page 7, line 15, delete "shift;" and substitute "shift, provided that the amount of time the direct-care personnel are late shall be made up by the same or other direct-care personnel at the beginning of the next shift;"

/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 Mahony, **HOUSE BILL NO. 2631** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2631

Amend **HOUSE BILL NO. 2631** as originally introduced:

Page 1, delete line 19 and substitute the following:

"BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:"

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 2681** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2681

Amend **HOUSE BILL NO. 2681** as originally introduced:

Page 1, delete lines 21 through 36 and insert the following:

"SECTION 1. (a) The General Assembly has determined that while the Arkansas Freedom of Information Act of 1967 provides disclosure guarantees for public records, and due to the 2001 Act to Repeal the Arkansas State Records Management and Archives Act of 1995, there is no general requirements for agencies to preserve the records.

(b) Therefore, there is a need for a general records retention policy that would indicate retention periods for public records that are common in most state agencies.

(c) The need has become more apparent with the widespread use of electronic records.

SECTION 2. This act shall not apply to city, county, or local governmental entities.

SECTION 3. Definitions.

(a)(1) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium, required by law to be kept or otherwise kept, and which constitute a record of the

performance or lack of performance of official functions that are or should be, carried out by state agencies.

(2) All records maintained in agency offices or by agency employees within the scope of their employment shall be presumed to be public records;

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

(c)(1) "Transitory" means records that are not received or created in the course of state business including, but not limited to:

(A) Personal messages, publications, promotional material from vendors, and similar materials that are publicly available to anyone;

(B) Unsolicited promotional material; and

(C) Other electronic mail, voice mail, telephone messages, and other records that have no administrative value.

(2) This definition shall expire on July 1, 2004 or on the date the retention regulations are finalized, if earlier.

SECTION 4. Retention Requirement.

(a) The Office of the Executive Chief Information Officer shall develop regulations and guidelines governing electronic records and the management and retention of public records for promulgation and submit the regulations to the Chairs of the House and Senate Interim Committees on State Agencies and Governmental Affairs no later than July 1, 2004.

(b)(1) Before July 1, 2004, the office of the Executive Chief Information Officer, in consultation with the head of each state agency shall develop a retention schedule for public records in any medium, including electronic records, preserving public records of more than transitory value at least until such time as the Chief Information Officer's regulations are finalized.

(2) After the Executive Chief Information Officer's regulations are finalized, each agency shall comply with the regulations.

(c) The scope of the regulations shall be limited to the state's public records that are found and are common in most state agencies.

(d) The record retention regulation would be used to advise agencies in creating and updating their own retention schedules.

(e) In developing the regulations, consideration shall be given to the benefits of retention or disposal and compare them to costs and risks to arrive at a

reasonable business decision regarding record retention periods.

(f) Federal or state retention or disclosure statutes or regulations override this general retention regulation.

SECTION 5. Agency discretion.

Until the Executive Chief Information Officer's regulations are finalized, agencies shall have discretion as to how to preserve electronic public records, whether they are downloaded to CD ROM, diskette, hard disk, tape, optical disks, magnetic tape, paper or some other medium, or published to the Internet, provided the method chosen enables the agency to adequately respond to requests from the public.

SECTION 6. Process.

(a) The Office of the Executive Chief Information Officer will follow its established internal process framework for which all state agencies are able to participate in the formation of policies, standards, specifications, and guidelines for information technology in the state.

(b) After the regulation is complete, it will enter the notice and comment rulemaking process set out in the Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(c) In developing its regulations, the Office of the Executive Chief Information Officer shall consult with representatives of media, the Legislative Council, and other state agencies.

SECTION 7. Contingencies.

If the General Assembly transfers the Office of the Executive Chief Information Officer's obligations to develop records retention regulations to any other person or entity, then state agencies shall retain public records of more than transitory value until that person or entity promulgates regulations.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is not a general requirement that agencies retain public records; that some agencies are not preserving electronic records; and that this act is immediately necessary to preserve public records that could be lost permanently without this act. 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.”

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 33

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 1309** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1309

Amend **HOUSE BILL NO. 1309** as originally introduced:

Page 5, delete lines 24-28

/s/ Jim Lendall

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lendall, **HOUSE BILL NO. 1309** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1309

Amend **HOUSE BILL NO. 1309** as originally introduced:

Page 8, line 18, add the following

"15-60-211. Exemption.

This subchapter does not apply to a prescription drug or substance sold over the counter without a prescription under the federal Food, Drug and Cosmetic Act, 21 USC § 301 et seq."

/s/ Jim Lendall

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. 2601** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2601

Amend **HOUSE BILL NO. 2601** as originally introduced:

Page 1, delete lines 21 through 36 and insert the following:

"SECTION 1. Arkansas Code Title 19, Chapter 4, Subchapter 14 is amended to add additional sections to read as follows:

19-4-1416. Job order contracting.

(a) For purposes of this section:

(1) "Job order contracting" means the acquisition of contracting services using a selection method that requires contractors to submit qualifications and prices based on wage rates inclusive of fringes and burden, plus a pricing matrix for markups on materials and subcontractors.

(2)(A) "On call contracting" means the ability of the state agency or institution of higher education to continue to call upon the successful bidder to conduct additional construction services as required by the state agency or institution of higher education.

(B) The contractor shall be required to bid all subcontractor work and the agency or the institution of higher education shall receive and open the bids with the contractor present at bid opening date.

(b)(1) The agency or institution of higher education may supply all materials for the work with no additional markup if the materials may be purchased off state

contracts at a lesser price than the contractor would be able to procure.

(c)(1)(A) After a state agency or institute of higher education has prepared appropriate scope documents and achieved appropriate reviews, it shall advertise for bids, award and file contracts for the contemplated work as identified in §§ 19-4-1401 through 19-4-1405.

(B) Additional work may be awarded based upon the initial bid within the fiscal year.

(2)(A) The bidder may not submit a multiplier representing estimated cost inflation as part of the formal bid process.

(B) The bid will represent the fixed price amount for the fiscal year.

(3) The most qualified bidder offering the best value for the institution shall be selected to perform the construction services identified in the construction specifications.

(d)(1) Job order contracting bid awards shall not extend beyond one (1) fiscal year and shall not exceed three hundred thousand dollars (\$300,000) per construction job for the first year of the contract for state agencies and institutions of higher education with education and general appropriations for the 2003 fiscal year equal or exceeding ten million (\$10,000,000), and shall not exceed one hundred thousand dollars (100,000) per construction job for agencies or institutions of higher education with education and general appropriations for the 2003 fiscal year of less than ten million (\$10,000,000).

(2) However, reasonable extensions may be granted at the beginning of each new fiscal year not to exceed a total of four (4) years, if:

(A) The price remains mutually agreeable to the state agency or institution of higher education and the contractor; and

(B) The quality of the work is satisfactory to the state agency or institution of higher education.

(3) On or before the four-year threshold, the agency or institution will bid the construction service to assure competitive opportunities and lowest cost circumstances.”

AND

Page 2, delete lines 1 through 19

/s/ Bill Pritchard

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. 1228** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1228

Amend **HOUSE BILL NO. 1228** as engrossed, 03/25/03:

Page 1, delete lines 34 through 36

AND

Page 2, delete lines 1 through 16, and substitute the following:

“(2) If a member is at the conclusion of a member’s participation in the plan, then the member may continue employment by a municipality under the following conditions:

(A) The municipality makes continued employment available to all similarly situated members;

(B) The availability of continued employment is approved by a majority vote of the governing body of the sponsoring municipality after receiving approval for an increase in benefits under § 24-11-102;

(C) The monthly benefit that is credited to the member’s plan account is discontinued and the member shall not receive a monthly benefit until the member actually ceases employment;

(D) The interest rate credited to the plan account is the same paid as under subdivision (e)(2) of this section, except the minimum rate is zero percent (0%);

(E) The employer’s matching contribution of six percent (6%) shall cease, all other employer contributions shall continue and be credited to the pension and relief fund; and

(F) The employee contributions of six percent (6%) shall discontinue.”

AND

Page 3, delete lines 11 through 26, and substitute the following:

“(B) If a member is at the conclusion of a member’s participation in the plan, then the member may continue employment by a municipality under the following conditions:

(i) The municipality makes continued employment available to all similarly situated members;

(ii) The availability of continued employment is approved by a majority vote of the governing body of the sponsoring municipality after receiving approval for an increase in benefits under § 24-11-102;

(iii) The monthly benefit that is credited to the member's plan account is discontinued and the member shall not receive a monthly benefits until the member actually ceases employment;

(iv) The interest rate credited to the plan account is the same as paid under subdivision (e)(2) of this section, except the minimum rate is zero percent (0%);

(v) The employer's matching contribution of six percent (6%) shall cease, but all other employer contributions shall continue and be credited to the pension and relief fund; and

(vi) The employee contributions of six percent (6%) shall discontinue."

/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. 2222** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2222

Amend **HOUSE BILL NO. 2222** as originally introduced:

Page 1, line 5 delete Representative R. Smith as sponsor and substitute Representative Napper as sponsor.

AND

Page 1, delete lines 9 through 16 and substitute the following:

"AN ACT TO AMEND TITLE 23, CHAPTER 88, SUBCHAPTER 1, TO ADD AN ADDITIONAL SECTION CONCERNING FIRE PROTECTION RATINGS; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 19 through line 22 and substitute the following:

"FIRE DEPARTMENT RATINGS."

AND

Delete everything after the enactment clause and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 88, Subchapter 1 is amended to add an additional section to read as follows:

23-88-104. Fire protection to be considered in property insurance rating plans.

(a) Each insurance company writing property insurance in Arkansas shall include within its property rating structure a characteristic that includes a fire protection classification that considers and utilizes the preparedness and effectiveness of public fire prevention and defense efforts of the primary responding fire department of any governmental, improvement district, or volunteer organization providing public fire prevention and defense efforts for the structure to be insured.

(b) For the purposes of this section, "primary responding fire department" means the appropriate governmental, improvement district, or volunteer organization providing public fire prevention and defense efforts under state law.

(c) The Insurance Commissioner may adopt reasonable rules and regulations to enforce the provisions of this section."

/s/ R. Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Green, **HOUSE BILL NO. 2697** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2697

Amend **HOUSE BILL NO. 2697** as originally introduced:

Page 1, delete lines 9 and 10 , and substitute the following:

"AN ACT TO CREATE THE OMNIBUS QUALITY EDUCATION ACT OF 2003; TO ESTABLISH A COMPREHENSIVE SYSTEM OF EDUCATIONAL ACCOUNTABILITY TO ENFORCE THE ARKANSAS STANDARDS OF ACCREDITATION; THE ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT AND ACCOUNTABILITY PROGRAM, THE NO CHILD LEFT BEHIND ACT OF 2001; THE ARKANSAS ACADEMIC DISTRESS PROGRAM; THE ARKANSAS FISCAL DISTRESS ASSESSMENT AND ACCOUNTABILITY PROGRAM; AND FOR OTHER PURPOSES."

AND

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-15-201 is amended to read as follows:

6-15-201. Title.

This subchapter shall be known as and may be cited as "The Quality Education Act of ~~1983~~ 2003".

SECTION 2. Arkansas Code § 6-15-202 is amended to read as follows:

6-15-202. Accreditation - Development of regulations and standards.

(a) The State Board of Education is authorized and directed to develop comprehensive regulations, criteria, and ~~minimum~~ standards to be used by the board and the Department of Education in the accreditation of school programs in elementary and secondary public schools in this state.

(b)(1) All public schools and school districts shall meet the Standards of Accreditation for Arkansas Public Schools which shall be adopted by the State Board of Education.

(2) The State Board of Education, upon showing of just cause, may grant a waiver of any standard of accreditation for a time period of no longer than one (1) school year, except that no curricula, student performance, school performance, or any standard required by law may be waived for any time period.

(3) A school district is deemed to have failed to meet the Standards of Accreditation for Arkansas Public Schools, if on any standard applicable to the general operation of a school district as defined by the State Board of Education, the district receives a probationary status.

(4) A school is deemed to have failed to meet the Standards of

Accreditation for Arkansas Public Schools, if on any standard applicable to the specific operation of that school as defined by the State Board of Education, the school receives a probationary status.

(c) The State Board of Education shall promulgate rules and regulations setting forth:

(1) The process for identifying schools and school districts that fail to meet the Standards of Accreditation for Arkansas Public Schools;

(2) Enforcement measures the State Board of Education may apply to bring a school or school district into compliance with the Standards of Accreditation for Arkansas Public Schools, including but not limited to, annexation, consolidation, or reconstitution of the school district in accordance with § 6-13-1401 and this subchapter; and

(3) The appeal process available to a school district under this subchapter.

~~(b)~~(d) After the regulations are adopted and implemented by the board, standards and procedures shall regularly be reviewed by the House and Senate Interim Committees on Education at least once every two (2) years, and recommendations and advice in regard thereto may be filed by the committees with the board for its consideration.

SECTION 3. Arkansas Code § 6-15-203 is amended to read as follows:

6-15-203. Notification of failure to meet standards of accreditation - Appeal.

(a) The Department of Education shall annually notify all school or school districts failing to meet ~~minimum~~ standards for accreditation for elementary and secondary schools not later than ~~June 15~~ May 15 of each year of such determination.

(b)(1) In the event a school district affected by this subchapter believes the department has improperly determined that ~~the~~ a school or school district fails to meet ~~minimum~~ the standards for accreditation ~~of any school in the district~~, the school district shall have a right of appeal thereafter to the State Board of Education.

(2) Any such appeal shall be held in an open hearing, and the decision of the board shall be in open session.

(3) ~~Appeal~~ Appeals must be filed not later than ~~June 30~~ May 30 following the ~~June 15 certification~~ May 15 determination of accreditation status, and the board hearing must be held prior to ~~July 15~~ August 15 of the same calendar year.

(4) The board may confirm the classification of a local school or school district as determined by the department, or it may sustain the appeal of the district.

~~(5) An appeal from the ruling of the board may be made by any district~~

~~to a court of competent jurisdiction provided such appeal is made within ninety (90) days after the effective date of any annexation. An aggrieved school district may appeal the ruling of the state board to circuit court in Pulaski County pursuant to the Arkansas Administrative Procedures Act.~~

SECTION 4. Arkansas Code § 6-15-206 is amended to read as follows:

6-15-206. Subsequent failure to meet standards of accreditation.

(a) Any school or school district which is ~~determined to meet the minimum standards for accreditation of Arkansas public elementary and secondary schools as provided in this subchapter which subsequently falls below~~ fail to meet current minimum standards for accreditation as determined by the Department of Education shall be classified as probationary.

(b) Notice thereof shall be filed with the school district in which the school is located that the school or school district must meet ~~minimum~~ all standards for accreditation within no more than two (2) consecutive school years including the year the probationary status is declared or be subject to the mandates of this subchapter ~~with reference to dissolution and annexation including, but not limited to, possible consolidation, annexation, or reconstitution of a school district as provided under §§ 6-13-1401 and this subchapter.~~ The department shall prepare and promulgate regulations and guidelines for the maximum times allowable for correction of ~~particular~~ any violations of standards, provided no ~~individual~~ probationary status violation may exist for more than two (2) consecutive school years.

(c)(1) School districts shall submit annually evidence of compliance with standards for accreditation for the district and each school in the district.

(2) The department shall ~~periodically~~ review annually the educational standards of school districts for the purpose of determining whether ~~minimum~~ standards for accreditation of the schools therein are in compliance with current state standards for accreditation.

(d) ~~Review~~ An onsite review of each school's compliance shall be made at least every ~~five (5)~~ two (2) years and or more frequently if the department has reason to believe that the school district or any school therein has fallen below ~~minimum~~ standards for accreditation.

(e) The department shall cooperate with local schools and school authorities in order to assist affected school districts and schools therein to achieve compliance with the ~~minimum~~ standards for accreditation as provided in this subchapter.

SECTION 5. Arkansas Code Title 6, Chapter 15, Subchapter 2 is amended to add additional sections to read as follows:

6-15-207. Enforcement of standards.

(a) The State Board of Education may take any number of the following actions, listed in subsection (c), to address a school or school district failing to meet standards of accreditation any time after a school or school district has received notice of being placed on probationary status pursuant to § 6-15-202 and 203.

(b) The State Board of Education shall take at least one of the following actions, listed in subsection (c), to address any school or school district which has failed to meet all standards of accreditation for two (2) consecutive school years including the year the probationary status is declared pursuant to § 6-15-202 and 203, unless the State Board of Education, at its discretion, issues written findings supported by a majority of the board, that the school district could not meet current standards for the relevant time period due to impossibility caused by external forces beyond the school district's control.

(c) The State Board of Education shall be allowed to take the following actions to address any school or school district on probationary status for failing to meet the standards of accreditation:

(1) Require a school district to reorganize or reassign the administrative, instructional or support staff of a public school;

(2) Require a school or school district to institute and fully implement a curriculum that is based on State academic content and achievement standards, including providing appropriate professional development at the cost of the school district;

(3) Remove a particular school from the jurisdiction of a school district and establish alternative public governance and supervision of such school or schools;

(4) Require a school district to close down or dissolve a particular school or schools within a school district;

(5) Annex a school district or districts or parts thereof with another receiving school district or districts pursuant to the authority of § 6-13-1401 through 6-13-1409 and this subchapter;

(6) Consolidate a school district or districts or parts thereof with another school district or districts or parts thereof to form a resulting district pursuant to the authority of § 6-13-1401 et seq. and this subchapter;

(7) Reconstitute the leadership of a school district by removing permanently or suspending on a temporary basis the superintendent of the school district or any particular board members of a school district. The State Board shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the school district, or both.

(8) Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a school or school district failing to meet the standards of accreditation.

6-15-208. Publication and dissemination.

When any school of a school district or the school district is determined by the State Board of Education to be on probationary status for failure to meet the standards of accreditation that school district after exhausting its rights to appeal shall:

(1) Publish the probationary status determination and findings of the State Board to the public and the parents or care giver of each student enrolled in the school or school district determined to fail to meet the standards of accreditation;

(2) The public notice shall be in an understandable and uniform format; and

(3) The public notice shall be published or disseminated, immediately after the State Board's determination, on the web-site of the school district and published at least one (1) time a week for two (2) consecutive weeks in a local newspaper of general circulation in the affected school district.

6-15-209. Rules and regulations.

The State Board of Education shall promulgate rules and regulations as necessary to set forth the:

(1) Process for identifying and addressing a school or school district that is failing to meet the Standards of Accreditation for Arkansas Public Schools;

(2) Process and measures to be applied to require a school or school district to comply with the Standards of Accreditation for Arkansas Public Schools, including but not limited to, possible annexation, consolidation or reconstitution of a school district under § 6-13-1401 through 6-13-1409 and this subchapter;

(3) Appeals process and procedures available to a school district pursuant to this subchapter and current law; and

(4) Definitions and meaning of relevant terms governing the establishment and governance of the Standards of Accreditation for Arkansas Public Schools.

SECTION 6. Arkansas Code § 6-15-211 is repealed.

~~6-15-211. Amount of state aid to consolidated or annexed districts.~~

~~In any consolidation or annexation as the result of this subchapter, the combined districts shall not receive less state aid for each of the next two (2) school years than was received the year previous to the annexation.~~

SECTION 7. Arkansas Code § 6-15-401 is amended to read as follows:

6-15-401. Title.

~~The title of this~~ This subchapter shall be known as and may be cited as the "Arkansas Comprehensive Testing, Assessment, and Accountability Program Act".

SECTION 8. Arkansas Code § 6-15-402 is amended to read as follows:

6-15-402. Purpose.

(a)(1) The purpose of this subchapter is to provide the statutory framework necessary to ensure that all students in the public schools of this state have an equal opportunity to demonstrate grade-level academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards, and assessments. The State of Arkansas recognizes and declares that students who are not performing at grade-level standards of academic proficiency are especially harmed by social promotion because they are not equipped with the necessary academic skills to be successful and productive members of society. ~~The Department of Education is committed to having all students perform at grade level and beyond.~~ For this reason, the Arkansas Comprehensive Testing, Assessment, and Accountability Program will emphasize point-in-time intervention and remediation upon the discovery that any student is not performing at grade level.

(2) This subchapter is constructed around a system that includes statewide indicators, individual school improvement indicators, and a locally generated school accountability narrative. The total program shall be applied to each school in the state public school system.

(3) This subchapter is designed to be a multiyear commitment to assess the academic progress and performance of Arkansas' public school students.

(b) The purposes of the assessment and accountability program developed pursuant to the provisions of this under this subchapter shall be to:

(1) Improve student learning and classroom instruction;

(2) Provide public accountability by exemplifying expected achievement levels, ~~and by~~ reporting on school and school district performance, and applying a framework for state action for a school or school district that fails expected achievement levels as defined in the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations; and

(3) Provide evaluation data of school and school district performance in order to assist policymakers at all levels in decision making.

SECTION 9. Arkansas Code § 6-15-403 is amended to read as follows:

6-15-403. Authority of State Board of Education.

The State Board of Education through the Department of Education is ~~hereby~~ authorized to:

(1) Develop a single comprehensive testing, assessment, and accountability program which utilizes the most current and effective testing, evaluation, and

assessment research information designed to achieve the following purposes set forth in this subchapter:

- (A) Set clear academic standards;
- (B) Establish professional development;
- (C) Establish expected achievement levels;
- (D) Report on student achievement and other indicators;
- (E) Provide evaluation data;
- (F) Recognize academic excellence and failure; and
- (G) Apply awards and sanctions; and
- (H) Comply with current federal law;

(2) Promulgate such rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment and accountability program; and

(3) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter.

SECTION 10. Arkansas Code § 6-15-404 is amended to read as follows:

6-15-404. Program implementation.

(a) The State Board of Education will establish clear, specific, challenging academic content standards which define what students shall know and be able to do in each content area. Instruction in all public schools shall be based on these academic content standards.

(b) The State Board of Education shall establish a schedule for periodic review and revision of academic content standards to ensure Arkansas academic content standards are rigorous and equip students to compete in the global workforce.

(c) The State Board of Education shall include the following elements in the periodic review and revision of Arkansas Academic content Standards:

(1) External review by outside content standards experts.

(2) Review and input by higher education, workforce education, and community members.

(3) Study and consideration of academic content standards from across the nation and international level as appropriate.

(4) Study and consideration of evaluation from national groups or organizations as appropriate.

(5) Revisions by committees of Arkansas teachers and instructional supervisor personnel from public schools, assisted by teachers from institutions of higher education.

(6) Public dissemination of revised academic content standards at

State Board of Education meeting and Department of Education web site.

(d) The State Board of Education shall establish a clear concise system of reporting the academic performance of each school on the state mandated criterion reference exam which conforms with the requirements of the No Child Left Behind Act of 2001.

(e) The State Board of Education shall develop and the Department of Education shall implement a developmentally appropriate uniform school readiness screening to validate a child's school readiness as part of a comprehensive evaluation design. Beginning with the 2004-2005 school year, the Department of Education shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in first grade.

(f)(1) The Department of Education shall select a developmentally appropriate assessment to be administered to all students in grades one (1) and two (2) in reading and mathematics.

(2) Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.

(3) Longitudinal and trend data collection shall be maintained for the purposes of improving student and school performance.

(4) A public school or public school district classified as in "school improvement" shall develop and file with the Department of Education a comprehensive school improvement plan designed to ensure that all students demonstrate proficiency on all portions of state-mandated criterion-referenced assessment. The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive, Testing, Assessment and Accountability Program and the gap of that subgroup to the academic standard.

(a)(1)(g)(1) The Department of Education shall develop and implement testing for public school students at the primary and middle-level grades, as well as end-of-course testing, which is criterion-referenced and which measures application of knowledge and skills in reading and writing literacy, mathematics and, as funds are available, in science and social studies.

(2) The department shall test public school students in a manner and with a nationally norm-referenced test to be selected by the State Board of Education at the middle-level and high-school grades.

(3) The board shall establish expected levels of achievement on the criterion-referenced examinations for all areas of assessment and accountability.

(4) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.

~~(b)(h)~~ Any student failing to achieve the established standard on the criterion-referenced examinations shall be evaluated by school personnel, who shall jointly develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient.

~~(e)(1)(i)(1)~~ Each school shall develop one (1) comprehensive, long-range school improvement plan focused on student achievement.

(2)(A) Any school that fails to achieve ~~expected~~ established levels of student performance on criterion-referenced tests, ~~norm-referenced tests~~, and related indicators, as defined ~~in this subchapter~~ by rule and regulation, shall ~~participate in~~ implement a comprehensive school improvement plan accepted by the department. This improvement plan shall assist those students performing below grade level in achieving the ~~expected~~ established standard.

(B) This plan shall be part of each school's long-range comprehensive school improvement plan and shall be reported to the public.

(C) Progress on improved achievement shall be included as part of the school's and school district's annual report to the public.

~~(d)(j)~~ The department and the local school districts shall annually compile and disseminate to the public results of ~~administering~~ all required examinations. The results of the end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.

SECTION 11. Arkansas Code § 6-15-406 is amended to read as follows:

6-15-406. Assessment of basic skills.

The comprehensive testing, assessment, and accountability program to be developed by the Department of Education and approved by the State Board of Education shall include, but is not limited to, the following components or characteristics:

(1) Assessment of academic achievement at grade levels selected to be tested by the department;

(2) Longitudinal and trend data collection for the purposes of improving student and school performance;

(3) A variety of assessment methods;

(4) Construction of a database composed of academic performance indicators that shall apply to every school and school district in the state that will

allow the department, over time, to identify those schools and school districts that are performing at or below proficient levels established under this subchapter; and

(5) Meaningful comparisons of Arkansas students with those of other states, regions, and the nation through the National Assessment of Educational Progress examination and norm-referenced examinations; and

(6) Review and assistance to the department in developing the comprehensive testing, assessment and accountability program by a panel of external psychometric experts.

SECTION 12. Arkansas Code § 6-15-419 is amended to read as follows:

6-15-419. Definitions.

The following definitions shall apply in this subchapter, unless the context otherwise requires:

(1)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated criterion-referenced assessments.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be annually reviewed and revised to ensure ~~effectiveness and to ensure~~ an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated criterion-referenced assessments.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated criterion-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(2) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under §§ 6-13-1401 through 6-13-1409;

~~(11)(3) "School improvement plan~~ Comprehensive school plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ~~ensure that~~ provide an opportunity for all

students demonstrate proficiency on all portions of state-mandated criterion-referenced assessments; and

(4) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under §§ 6-13-1401 through 6-13-1409;

(5) "Department" means the Department of Education;

~~(2)~~(6) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a district. The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of state-mandated criterion-referenced assessments;

~~(3)~~(7) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change. The goal is to maintain a student's ability to function proficiently at grade level;

~~(4)~~(8) "End of course" means an examination taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary to mastery of that subject;

~~(5)~~(9) "Grade level" means performing at the proficient or advanced level on state-mandated criterion-referenced tests;

~~(6)~~(10) "High school" means grades nine through twelve (9-12);

~~(7)~~(11) "Middle level" means grades five through eight (5-8);

~~(8)~~(12) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

~~(9)~~(13) "Primary" means kindergarten through grade four (K-4);

(14) "Public school" means those schools or school districts created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment, and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist pursuant to § 6-15-501, § 9-28-205, §§ 12-29-301 through 12-29-310, or other provisions of Arkansas law;

(15) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district, including but not limited to the suspension, reassignment, replacement, or removal of a current

superintendent, or the suspension, removal, or replacement of some or all of the current school board members, or both;

~~(10)(A)(i)~~(16)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated criterion-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(17) "School district in academic distress" means any public school district failing to meet the minimum level of academic achievement on the state mandated criterion-referenced examinations as required by the State Board of Education in the "Arkansas Comprehensive Testing, Assessment, and Accountability Program";

~~(12)~~(18) "Social promotion" means the passage or promotion from one grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency; and

(19) "State Board" and means the State Board of Education;

(20) "Public school in school improvement" or "school district in school improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state mandated criterion-referenced tests as required by the State Board of Education in the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(21) "Uniform school readiness screening" means uniform, objective evaluation procedures specifically formulated for children entering public school for the first time which are geared to either kindergarten or first grade, as appropriate, and developed by the State Board of Education; and

(22) "Adequate yearly progress" means that level of academic improvement required of public schools or school districts on the state-mandated criterion-referenced examinations and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with The Elementary and Secondary Education Act as reauthorized in The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002).

SECTION 13. Arkansas Code § 6-15-420 is amended to read as follows:

6-15-420. ~~Informal standards of learning~~ Remediation and intervention.

(a)(1) In order for students to be academically prepared to achieve proficiency in reading and writing literacy and mathematics, the Department of

Education shall require each public school serving students in kindergarten through grade four (K-4) to develop, select, and implement ongoing, informal assessments linked to the Arkansas frameworks.

(2) Literacy assessment training and mathematics assessment training utilizing research-based diagnostic instruments or tools will be provided for teachers by the department. Where grant funds are available in the areas of highest need, a literacy coordinator may be trained.

(b)(1) Any student in kindergarten through grade one (K-1) failing to perform at the proficient level in reading and writing literacy or mathematics shall be evaluated as early as possible within each of the kindergarten through grade one (K-1) academic years. Those students shall be evaluated by personnel with expertise in reading and writing literacy or mathematics who shall develop and implement an academic improvement plan, using early intervention strategies sanctioned by the department, to assist the student in achieving the expected standard.

(2) Any student in grades two through four (2-4) failing to perform at the proficient level in reading and writing literacy or mathematics shall be evaluated by personnel with expertise in reading and writing literacy or mathematics who shall develop and implement an academic improvement plan, using remediation strategies sanctioned by the department, to assist the student in achieving the expected standard.

(c)(1) Upon completion of the intervention and remediation plans in subdivisions (b)(1) and (b)(2) of this section, those schools that fail to achieve expected levels of student performance at the primary level on criterion-referenced tests, as defined in this subchapter, shall participate in a comprehensive school improvement plan accepted by the department.

(2)(A) This plan shall be part of each school's long-range comprehensive school improvement plan and shall be reported to the public.

(B) Progress on improved achievement shall be included as part of the school and school district's annual report to the public.

(d)(1) As part of the comprehensive testing, assessment, and accountability program, the department shall ensure that each school and school district establishes a plan to assess whether children in the middle-level and high school grades are performing at proficient levels in reading and writing literacy, mathematics and, as funds are available, other core academic subjects.

(2) Each school and school district shall use ~~a combination of~~ multiple assessment measures, which shall include, but not be limited to, state-mandated criterion-referenced tests ~~or norm-referenced testing, or both~~.

(e) Any student failing to demonstrate a proficient level of achievement in

reading and writing literacy or mathematics or, as funds are available, other core academic subjects, shall participate in an individual academic improvement plan specifically designed to achieve proficient-level performance standards in these areas.

SECTION 14. Arkansas Code § 6-15-421 is amended to read as follows:

6-15-421. Awards and sanctions.

(a)(4) The Department of Education is authorized to develop and implement, contingent upon appropriation and funding being provided by the General Assembly, a program of rewards to recognize individual schools that demonstrate exceptional performance in levels of student achievement and to recognize schools that demonstrate significant improvement in student achievement.

(b)(1) Each school that does not attain the expected levels of student performance on state-mandated indicators and individual school improvement indicators shall be designated by one (1) of several levels of sanction.

(2) Each level of sanction shall determine specific interventions to be provided to the ~~school~~ students of public schools or public school districts by the department. The levels of sanction developed under this subchapter shall be incorporated into the existing comprehensive school improvement plan ~~academic distress policy~~.

(c) The State Board of Education shall develop a clear, concise system of reporting the academic performance of each public school on the state-mandated, criterion-referenced tests, which conform with current state and federal law.

~~(e)~~(d) The State Board of Education through the department is hereby authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this subchapter.

SECTION 15. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add an additional section to read as follows:

6-15-423. Rules and regulations.

The state board shall promulgate rules and regulations as may be necessary to require the Department of Education to implement a program for identifying, evaluating, assisting, and addressing public schools or public school districts failing to meet established levels of academic achievement on the state mandated criterion-referenced tests as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program.

SECTION 16. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add additional sections to read as follows:

6-15-424. School improvement or academic distress.

Those public schools or public school districts identified by the Department of

Education as failing to meet established levels of academic achievement shall be classified as being either in school improvement or academic distress as required by the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations.

6-15-425. School improvement.

(a) The State Board of Education shall develop a single comprehensive testing, assessment, and accountability program which shall identify and address all public schools or public school districts in school improvement, or academic distress and shall be incorporated in the Arkansas Comprehensive Testing, Assessment and Accountability Program rules and regulations which shall comply with the Elementary and Secondary Education Act as reauthorized by The No Child Left Behind Act of 2001, 20 U.S.C . §6301, et seq. (2002).

(b) The school board president and the superintendent of a public school or school district identified by the Department of Education as being classified as in school improvement, shall be notified of such classification in writing by the Department, via certified mail return receipt requested, and the school district shall have a right of appeal pursuant to the Arkansas Comprehensive Testing, Assessment and Accountability Program rules and regulations which shall comply with The No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. (2002).

(c) The Arkansas Comprehensive Testing, Assessment and Accountability Program shall require that any public school or school district in school improvement that fails to make adequate yearly progress as required in the Arkansas Comprehensive Testing, Assessment and Accountability Program may, after being afforded all due process rights and in a timely manner required under The No Child Left Behind Act of 2001, be advanced by the State Board of Education to the corrective action or restructuring phase of the Arkansas Comprehensive Testing, Assessment and Accountability Program adopted in the Arkansas Comprehensive Testing, Assessment and Accountability Program rules and regulations.

(d) Any public school or school district classified in school improvement shall comply with all requirements placed on a public school or school district under the Arkansas Comprehensive Testing, Assessment and Accountability Program rules and regulations as required by The No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002).

(e) Any public school or school district classified as in school improvement shall develop and file with the Department of Education a comprehensive school improvement plan which shall be reviewed by the department and shall be designed to ensure that all students have an opportunity to demonstrate proficiency on all portions of the state mandated criterion-referenced tests. The comprehensive

school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive Testing, Assessment and Accountability Program and the gap of that subgroup to the academic standard.

(f) Professional development activities of a public school or public school district in school improvement shall be related to the comprehensive school improvement plan and designed to increase student learning and achievement.

6-15-426. Academic distress notification and appeal.

(a) The school board president and superintendent of a school district classified by the Department as being in academic distress shall be notified in writing by the Department, via certified mail return receipt requested, and shall have a right of appeal to the State Board of Education.

(b) Any school district classified in academic distress may appeal to the State Board of Education by filing a written appeal, with the office of the Director of the Department of Education, via certified mail return receipt requested, within thirty (30) calendar days receipt of the written notice of academic distress status from the Department.

(c) The State Board of Education shall hear the appeal of the school district within sixty (60) days receipt of the written appeal in the Director's office. The State Board of Education's determination shall be final except that a school district may appeal to the circuit court of Pulaski County under the Arkansas Administrative Procedures Act.

6-15-427. Academic distress – Required action.

(a) A public school district classified as in "academic distress" shall have no more than two (2) consecutive school years from the date of receipt of notice of classification to be removed from academic distress status.

(b) The State Board of Education may, at any time, take enforcement action on any school district in academic distress status, including but not limited to annexation, consolidation or reconstitution of a school district pursuant to § 6-13-1401 et seq. and the authority of this subchapter, except no public school district shall be allowed to remain in academic distress status for a time period greater than two (2) consecutive school years from the date of classification of academic distress.

(c) If a public school district fails to be removed from academic distress status within the allowed two (2) year time period, the State Board of Education shall annex, consolidate or reconstitute the academic distress school district prior to July 1 of the next school year unless the State Board of Education, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not remove itself from academic distress during the relevant

time period due to impossibility caused by external forces beyond the school district's control.

6-15-428. State Board of Education authority of school in academic distress.

(a) The State Board of Education shall have the following authority regarding any public school district in academic distress:

(1) Require the superintendent of the school district to relinquish all authority with respect to the district, to appoint an individual to administratively operate the district under the supervision of the Director of the Department of Education, and the cost to be paid from school district funding;

(2) Suspend or remove some or all of the current board of directors and call for the election of a new school board for the school district in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(3) Allow the school district to operate without the local school board under the supervision of the local school district administration or an administration chosen by the Director of the Department of Education;

(4) Waive the application of Arkansas law, with the exception of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq. and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq. or department rules and regulations;

(5) Require the annexation, consolidation, or reconstitution of the public school district; and

(6) Take any other necessary and proper action, as determined by the State Board of Education, that is allowed by law.

(b)(1) Any student attending a public school district classified as being in academic distress shall automatically be eligible and entitled pursuant to § 6-18-206, the "Arkansas Public School Choice Act", to transfer to another geographically contiguous school district not in academic distress during the time period a district is classified as being in academic distress, and therefore, not be required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act.

(2) The cost of transporting the student from the resident district to the nonresident district shall be the cost of the resident district.

(3) The nonresident district shall count the student for average daily membership purposes.

6-15-429. Academic distress rules and regulations.

(a) The State Board of Education shall promulgate rules and regulations as necessary to identify, evaluate, assist and address public school districts determined

to be in academic distress.

(b) The academic distress rules and regulations shall be incorporated as part of the Arkansas Comprehensive Testing, Assessment and Accountability Program rules and regulations.

SECTION 17. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add an additional section to read as follows:

6-15-425. Unsafe school choice program.

(a) Any student that becomes the victim of a violent criminal offense while in or on the grounds of an Arkansas public elementary, secondary, or public charter school, or who is attending a persistently dangerous public school shall be allowed to attend a safe public school within the local educational agency pursuant to rules and regulations established by the State Board of Education and the requirements The No Child Left Behind Act of 2001, 20 U.S.C. § 7912 (2002).

(b) The State Board of Education shall promulgate rules and regulations, as necessary, to administer the Unsafe School Choice Program.

SECTION 18. Arkansas Code Title 6, Chapter 20, is amended to add a new subchapter read as follows:

6-20-1901. Title

This subchapter shall be known as and may be cited as the “Arkansas Fiscal Assessment and Accountability Program”.

6-20-1902. Purpose

The purpose of this subchapter shall be to establish and implement a program by which the Department of Education shall identify, assess and address school districts in fiscal distress.

6-20-1903. Definitions

For purposes of this subchapter:

(1) “Annexation” means the joining of an affected school district or part of the school district with a receiving district pursuant to § 6-13-1401;

(2) “Consolidation” means the joining of two (2) or more school districts or parts of the districts to create a new single school district pursuant to § 6-13-1401;

(3) “Department” means the Arkansas Department of Education;

(4) “Fiscal distress status” means a public school district determined by the department and classified by the state board as being placed in fiscal distress status pursuant to this subchapter;

(5) “School district” means a public school district created or established pursuant to Title 6 of the Arkansas Code;

(6) “State Board” means the Arkansas State Board of Education;

(7) “Reconstitution” means the reorganization of the administrative unit or the

governing school board of a school district, including, but not limited to, the replacement or removal of a current superintendent or the removal or replacement of a current school board or both; and

(8) "Fiscal integrity" means to comply with financial management, accounting, auditing, and reporting procedures and facilities management procedures as required by state and federal laws and regulations in a forthright and timely manner.

6-20-1904. Indicators of fiscal distress.

Any school district meeting any of the following criteria may be identified by the Department of Education to be a school district in fiscal distress upon final approval by the state board:

(1) A declining balance determined to jeopardize the fiscal integrity of a school district; or

(2) Any act or violation determined to jeopardize the fiscal integrity of a school district, including, but not limited to:

(A) Material failure to properly maintain school facilities;

(B) Material violation of local, state, or federal fire, health, or safety code provisions or law;

(C) Material violation of local, state, or federal construction code provisions or law;

(D) Material state or federal audit exceptions or violations;

(E) Material failure to provide timely and accurate legally-required financial reports to the Department of Education, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service;

(F) Insufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;

(G) Material failure to meet legally binding minimum teacher salary schedule obligations;

(H) Material failure to comply with state law governing purchasing or bid requirements;

(I) Material default on any school district debt obligation;

(J) Material discrepancies between budgeted and actual school district expenditures;

(K) Material failure to comply with audit requirements of § 6-20-301; or

(L) Material failure to comply with any provision of the Arkansas Code that specifically places a school district in fiscal distress based on noncompliance;

(3) Any other fiscal condition of a school district deemed to have a detrimental negative impact on the continuation of educational services by that school district.

6-20-1905. Notification and appeal.

(a) The Department of Education shall provide written notice, via certified mail return receipt requested, to the president of the school board and the superintendent of each school district identified as being in fiscal distress.

(b) Any school district identified in fiscal distress status may appeal to the State Board of Education by filing a written appeal, with the office of the Director of the Department of Education, by certified mail return receipt requested, within thirty (30) days of receipt of notice of identified fiscal distress status from the department.

(c) The state board shall hear the appeal within sixty (60) days of receipt of the written notice of appeal from the school district.

(d) The written appeal shall state, in clear terms, the reason why the school district should not be classified as in fiscal distress.

(e) Notwithstanding any appeal rights in this subchapter, no appeal shall stay the department's authority to take action to protect the fiscal integrity of any school district identified as in fiscal distress.

(f) The decision of the State Board of Education shall be a final order and there is no further right of appeal except the school district may appeal to circuit court in Pulaski County pursuant to the Arkansas Administrative Procedures Act, § 25-15-201, et seq.

6-20-1906. Classification of fiscal distress status.

(a) Those school districts identified by the Department of Education as being in fiscal distress shall be classified as a school district in fiscal distress upon final determination by the State Board of Education.

(b) Any district classified as in fiscal distress shall be required to publish at least one (1) time for two (2) consecutive weeks in a newspaper of general circulation in the school district, the school district's classification as a school district in fiscal distress and the reasons why the school district was classified as being in fiscal distress.

(c) The provisions of subdivisions (a) and (b) of this section are effective after the school district's appeal rights have been exhausted.

6-20-1907. Deb issuance.

No school district identified in fiscal distress may incur any debt without the prior written approval of the Department of Education.

6-20-1908. Fiscal distress plan.

(a) Those school districts identified by the Department of Education as being in fiscal distress shall file, with the department within ten (10) days after the final classification by the State Board, a written fiscal distress improvement plan to address any area in which the school district is experiencing fiscal distress as

identified by the department.

(b) Each school district shall seek and obtain approval of their plan from the department and shall describe how the school district will remedy those areas in which the school district is experiencing fiscal distress and shall establish the time period by which the school district will remedy all criteria which placed the school district in fiscal distress status.

(c) A school district in fiscal distress may only petition the State Board of Education for removal from fiscal distress status after the department has, certified in writing, that the school district has corrected all criteria for being classified as in fiscal distress and has complied with all department recommendations and requirements for removal from fiscal distress.

(d) No school district shall be allowed to remain in fiscal distress status for more than two (2) consecutive school years from the date the school district was classified as being in fiscal distress status.

(e) Any school district classified as being in fiscal distress status shall be required to receive on-site technical evaluation and assistance from the department.

(f)(1) The department shall evaluate and make recommendations to the district superintendent regarding staffing of the district and fiscal practices of the district.

(2) The recommendations of the department shall be binding on the district, the superintendent, and the school board.

(g) Every six (6) months, the department shall submit a written evaluation on the status of each school district in fiscal distress to the State Board of Education.

(h)(1) The department may petition the State Board of Education, at any time, for the consolidation, annexation, or reconstitution of a school district in fiscal distress or take other appropriate action as allowed by this subchapter in order to secure and protect the best interest of the educational resources of the state or provide for the best interests of students in the school district.

(2) The State Board of Education may approve the petition or take other appropriate action as allowed by this subchapter.

(i) The State Board of Education shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in fiscal distress within two (2) consecutive school years of notice of classification by the department unless the State Board of Education, at its discretion, issues a written finding supported by a majority of the board, explaining in detail that the school district could not meet current standards to remove itself from fiscal distress due to impossibility caused by external forces beyond the school district's control.

6-20-1909. Department fiscal distress actions.

(a) In addressing school districts in fiscal distress, the department may:

(1) Require the superintendent to relinquish all administrative authority with respect to the school district;

(2) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Director of the Department of Education, and to compensate non-department agents operating the school district from school district funding;

(3) Call for the temporary suspension of the local school board;

(4) Require the school district to operate without a local school board under the supervision of the local superintendent or an individual or panel appointed by the Director of the Department of Education;

(5) Place the administration of the school district over to the former board or to a newly elected school board; or

(6) Take any other action allowed by law that is deemed necessary to assist a district in removing criteria of fiscal distress.

(b) The department may impose various reporting requirements on the school district.

(c) The department shall monitor the fiscal operations and accounts of the school district.

(d) The department shall require school district staff and employees to obtain fiscal instruction or training in areas of fiscal concern for the school district.

6-20-1910. State board actions.

(a) After a public hearing, the State Board of Education shall consolidate, annex, or reconstitute the school district in fiscal distress to another school district or school districts upon a majority vote of a quorum of the members of the state board as permitted or required by this subchapter.

(b) The state board has exclusive jurisdiction to determine the boundary lines of the receiving or resulting school district and to allocate assets and liabilities of the district.

(c) The decision of the State Board of Education shall be final with no further right of appeal except a school district may appeal to circuit court in Pulaski County pursuant to the Arkansas Administrative Procedures Act, § 25-12-101, et seq.

6-20-1911. Rules and Regulations.

(a) The department shall promulgate rules and regulations as necessary to identify, evaluate, assist, and address school districts in fiscal distress.

(b) The department may promulgate rules and regulations as necessary to administer the Arkansas Fiscal Assessment and Accountability Program.

SECTION 19. Arkansas Code § 6-13-1403 through 6-13-1405 are amended to read as follows:

6-13-1403. Conditions under which the State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:

(1) The State Board of Education, after providing thirty (30) days written notice to the affected school districts, determines annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201, et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401, et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901, et seq.;

~~(1)(A)~~(2)(A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located;

(B) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the district or districts; and

(C) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

~~(2)(A)~~(3)(A) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in § 6-14-122; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122; or

~~(3)(A)~~(4)(A) The local board of education of the affected district or

districts vote to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

(b) The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district:

(1) The State Board of Education, after providing thirty (30) days written notice to the affected school districts, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 1983, § 6-15-201, et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401, et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901, et seq.; or

(2) ~~upon~~ Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c) In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board. However, no petition is required for the State Board of Education to annex a school district or districts upon a motion of the board as allowed in subsection (b).

(d)(1) Upon determination by the State Board of Education to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.

(B) It shall be the duty of the Department of Education to make

changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks of the county or counties where the receiving district or districts are located. The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be boundaries of the receiving district until changes are made according to the provisions of law.

(f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:

(1) The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

6-13-1404. Conditions under which the State Board of Education may consolidate school districts.

(a) The State Board of Education shall consider the consolidation of affected school districts into a new resulting school district or districts under the following conditions:

(1) The State Board of Education, after providing thirty (30) days written notice to the affected school districts, determines consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards of accreditation, academic or fiscal distress requirements pursuant to The Quality Education Act of 1983, § 6-15-201, et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401, et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901, et seq.; or

~~(1)(A)~~(2) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

~~(B)~~(3) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located; ~~and~~

~~(C)~~(4) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

~~(2)~~(5) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts

pursuant to a valid election as provided for in § 6-14-122; and

~~(3)~~(6) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days written notice to the affected school districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards of accreditation, academic or fiscal distress requirements pursuant to The Quality Education Act of 1983, § 6-15-201, et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401, et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901, et seq.; or

(2) May may vote to approve by a majority of a quorum present of the members of the state board the consolidation of the affected districts into a resulting district upon receipt of a valid petition for consolidation, after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section, and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board. However, no petition is required for the State Board of Education to consolidate a school district or districts on a motion of the board as allowed in subsection (b).

(d)(1) Upon consolidation of a district by the board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected school districts and establishing the resulting school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

(e)(1) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the resulting district or districts are located.

(2) The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be boundaries of the resulting district until changes are made according to the provisions of law.

(f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

(1) The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

6-13-1405. Effective date of annexation or consolidation.

(a) Upon consolidation or annexation of a school district by the State Board of Education:

(1) The effective date of the annexation or consolidation shall be the July 1 following the State Board of Education action unless otherwise determined by the state board;

(2) The State Board of Education shall prescribe the number of members of the board of directors of the resulting or receiving district, and prescribe the method of forming the board of directors of the resulting or receiving district;

(3) The consolidation or annexation plan adopted by the State Board of Education shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected school district; and

(4) All terms and conditions of the consolidation shall be as set forth by the State Board of Education and shall be binding on the school districts and the respective boards of directors.

(5) The State Board of Education shall afford the local school districts in a consolidation thirty (30) days to establish an interim local board to govern the resulting district pursuant to § 6-14-1406 until the next school election. If the local school districts fail to establish an interim board, the State Board of Education shall appoint an interim local board to serve until the next elected board assumes office. The number of interim board positions shall be set as allowed by law.

~~(a)~~(b) Upon a petition to consolidation or annexation:

~~(1) Unless an agreement is reached in the consolidation or annexation agreement to be different, the effective date of the annexation or consolidation~~Consolidation shall be the July 1 following the order of the state board directing the annexation or the consolidation-, unless the State Board of Education determines otherwise;

~~(b)~~(2) Each board of directors of the affected districts by majority

approval of the members of the local board may enter into a written agreement executed by the former president and secretary of each district. The agreement shall prescribe the date of the annexation of the affected district or districts to the receiving district or the formation of the resulting district from consolidation of affected districts-;

~~(e)(3)~~ The agreement shall also prescribe the number of members of the board of directors of the resulting district ~~as provided for in § 6-13-1205 (repealed).~~ as allowed by law; and

~~(d)(4)~~ An executed copy of the agreement shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected school district.

SECTION 20. Arkansas Code § 6-13-1409 is amended to read as follows:

6-13-1409. State Board of Education.

(a) The State Board of Education shall have the following duties regarding consolidations and annexations:

(1) To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of such districts to another district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;

(2) To transfer funds and attach territory that is in no school district to other school districts as may seem best for the educational welfare of the children; and

(3) To enact rules and regulations regarding the consolidation and annexation of school districts under this title.

~~(b)(1) Any person being a party to a proceeding before the state board concerning consolidation or annexation who feels aggrieved by any final order or decision of the state board may file a petition for appeal from such a final order or decision, provided, within thirty (30) days from the date of the final order or decision complained of, the person shall:~~

~~(A) Make an affidavit that the appeal taken from such a final order or decision of the state board is not taken for purposes of delay; and~~

~~(B) Enter into a bond with good and sufficient surety thereon in such sum as shall be ordered by the state board, not to exceed twice the amount of property tax revenues involved in the appeal.~~

~~(2) The appeal provided in this section shall be to the Circuit Court of Pulaski County.~~

(b) The millage rate of the electors of the affected district shall remain the same until an election may be held to change the rate of taxation for the resulting

district or receiving district.

SECTION 21. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended to add an additional section to read as follows:

6-13-1410. Appeal and election.

The decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except an aggrieved school district may appeal to circuit court in Pulaski County pursuant to the Administrative Procedures Act, § 25-15-201, et seq.

SECTION 22. Arkansas Code, Title 6, Chapter 20, Subchapter 16 is repealed.

~~6-20-1601. Purpose.~~

~~The purpose of this subchapter shall be to improve the capacity of local school districts whose students are not achieving at academically desired levels and local school districts in fiscal distress through targeted assistance coordinated by the Department of Education.~~

~~6-20-1602. Definitions.~~

~~(a) For purposes of this subchapter, a "school district in academic distress" shall mean any school district whose students do not score at levels established by the Department of Education on:~~

- ~~(1) The Arkansas Writing Assessment;~~
- ~~(2) The Stanford 8 Achievement Test;~~
- ~~(3) The exit examination administered by the department; or~~
- ~~(4) Any other test approved by the department.~~

~~(b) For purposes of this subchapter, a "school district in fiscal distress" shall mean any school district that:~~

- ~~(1) Has a steadily declining balance;~~
- ~~(2) Has not complied with the audit requirements in § 6-20-301 et seq.;~~

~~(3) Has failed to comply with a statute that automatically places the school district in fiscal distress; or~~

~~(4) Has any other fiscal condition deemed to have a detrimental negative impact on continuation of educational services.~~

~~All of these determinations for fiscal distress except for subdivision (b)(3) of this section shall be as defined by the department through rules and regulations promulgated by the State Board of Education.~~

~~6-20-1603. Rules and regulations - State Board of Education.~~

~~(a) By March 1, 1996, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating,~~

assisting, and addressing school districts in fiscal or academic distress.

~~(b)(1) The state board shall further promulgate rules and regulations by which a school district shall be classified as a Phase I, Phase II, or Phase III district and by which a local school board may appeal to the state board any ruling by the Department of Education that is relative to classification under this subchapter.~~

~~(2) An appeal shall be made within thirty (30) days of the ruling, and the state board shall act on the appeal within sixty (60) days.~~

~~6-20-1604. Rules and regulations—Department of Education.~~

~~The Department of Education is hereby authorized to develop indicators of fiscal distress and academic distress in school districts and to promulgate the necessary rules and regulations so that the Director of the Department of Education shall provide technical assistance to school districts determined by the director to be in fiscal or academic distress and shall ensure, to the extent possible, that a fiscal crisis or an academic crisis will not interrupt the educational services provided to the students of a school district.~~

~~6-20-1605. Identification of districts in distress.~~

~~Prior to the beginning of the 1996-1997 school year and each school year thereafter, the Department of Education shall identify all school districts that are in academic or fiscal distress and shall further document any school districts that meet the criteria for academic or fiscal distress but which, after investigation, the department determines are not in academic or fiscal distress.~~

~~6-20-1606. School improvement plan.~~

~~(a) Those school districts identified by the Department of Education as being in academic or fiscal distress shall be classified as Phase I school districts.~~

~~(b)(1)(A) A district classified as a Phase I school district shall develop and file with the department a school improvement plan to address any areas in which the school district is experiencing academic or fiscal distress as identified by the department.~~

~~(B) If a district does not file a school improvement plan with the department, the district shall be immediately classified as a Phase II school district.~~

~~(2) The department shall provide technical assistance to any district classified as a Phase I district.~~

~~(A) The department shall monitor the progress of school districts in Phase I.~~

~~(B) Districts that are implementing school improvement plans shall continue to be classified as Phase I school districts for the remainder of the school year.~~

~~(C) If the department determines that a district is not~~

implementing its school improvement plan according to department regulations, the district shall be immediately classified as a Phase II school district.

~~6-20-1607. Classification of school districts in distress.~~

~~(a)(1) During the 1997-1998 school year and each school year thereafter, the Department of Education shall determine which school districts shall be classified as Phase I districts or Phase II districts.~~

~~(2) A school district may be classified a Phase I district for more than one (1) year.~~

~~(b) No Phase I or Phase II district shall incur additional debt without the approval of the department.~~

~~(c)(1) During the 1997-1998 school year and each school year thereafter, only those districts classified as Phase II districts by the Director of the Department of Education shall be required to receive on-site technical assistance by a team of educators assigned by the department to work directly with the districts.~~

~~(2) During the first six (6) months of the school year in which a district is classified as a Phase II district, the department team shall evaluate and make recommendations to the district superintendent regarding the staffing of the district and concerning fiscal or academic policies or practices of the district if necessary to address the fiscal or academic distress of the district as defined by the department.~~

~~(3)(A) The recommendations of the department shall be binding on the district, the superintendent, and the school board; provided, however, that it shall be the duty of the district to follow all Arkansas laws.~~

~~(B) A district classified as a Phase II school district that fails to follow recommendations of the department shall be immediately classified as a Phase III school district.~~

~~(d) At the conclusion of the 1997-98 school year, and each year thereafter, the department shall report the progress of all districts classified as Phase II school districts to the State Board of Education.~~

~~6-20-1608. Limitation on Department of Education's authority.~~

~~The Department of Education shall not take over the operation of a Phase I or Phase II school district.~~

~~6-20-1609. Phase III school districts.~~

~~(a) Those school districts that do not meet the Department of Education's criteria for repeating procedures set forth for Phase II and those districts that did not follow the recommendations of the department for Phase II school districts shall be classified as Phase III school districts.~~

~~(b) During the 1998-1999 school year and each year thereafter until the school district is no longer classified as a Phase III district, the department shall~~

have the following authority in dealing with any district classified as a Phase III school district:

~~(1) To require the superintendent to relinquish all authority with respect to the district, to appoint an individual to operate the district under the supervision of the Director of the Department of Education, and to compensate non-department employees for operating the district using the salary formerly given to the district superintendent;~~

~~(2) To have all the powers and duties of the local school board under § 6-13-620;~~

~~(3) To determine that it is in the best interests of the students in the district to continue operation of the district or that annexation to an adjacent district or districts is necessary;~~

~~(4) To call for the election of a new school board for the district, in which case the district shall reimburse the county board of election commissioners for election costs as otherwise required by law;~~

~~(5) To allow the district to operate without a local school board under the supervision of the local school district administration;~~

~~(6) To turn the administration of the district over to the former board or to a newly elected school board; and~~

~~(7) To waive the application of Arkansas law, with the exception of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and regulations.~~

~~6-20-1610. Annexation—Appeals.~~

~~(a) If it is in the best interests of students in a district classified as a Phase III school district to be annexed to another district or districts, as determined by the Department of Education, the department shall hold a public hearing to discuss the annexation of the district.~~

~~(b) After the public hearing, the State Board of Education may annex the district to another district or districts upon a majority vote of the members of the state board.~~

~~(c) If the state board annexes the district, the state board shall have exclusive authority to determine the boundary lines of the new district or districts and to allocate the assets and liabilities of the district.~~

~~(d) Any district that appeals the decision of the state board in regard to annexation shall file the appeal in Pulaski County Circuit Court. Jurisdiction and venue shall not lie in any other court or the circuit court in the county where the administrative office of the district is located.~~

SECTION 23. Effective Date.

Unless otherwise provided in this act, this act shall become effective on July 1, 2003.

SECTION 24. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now extent system of education to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the State has an "absolute duty" to provide an "equal opportunity to an adequate education"; and the Arkansas Supreme Court instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas-forthwith. 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/ Mary Beth Green

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hathorn, **HOUSE BILL NO. 2395** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2395

Amend **HOUSE BILL NO. 2395** as originally introduced:

Delete section 1 in its entirety and substitute the following:

“SECTION 1. (a) In any civil action for damages filed in the courts of this state, if a defendant files an offer of judgment that is not accepted by the plaintiff within thirty (30) days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred by her or him or on the defendant's behalf, pursuant to a policy of liability insurance or other contract after the date of filing of the offer, if the judgment is one of no liability or the judgment obtained by the plaintiff is at least twenty-five percent (25%) less than the offer, and the court shall set off the costs and attorney's fees against the award.

(b) If the costs and attorney's fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff's award.

(c) If a plaintiff files a demand for judgment which is not accepted by the defendant within thirty (30) days and the plaintiff recovers a judgment in an amount at least twenty-five percent (25%) greater than the offer, she or he shall be entitled to recover reasonable costs and attorney's fees incurred from the date of the filing of the demand.

(d) If rejected, neither an offer nor demand is admissible in subsequent litigation, except for pursuing the penalties of this section.

(e)(1) The making of an offer of settlement which is not accepted does not preclude the making of a subsequent offer.

(2) An offer shall:

(A) Be in writing and state that it is being made under this section;

(B) Name the party making it and the party to whom it is being made;

(C) State with particularity the amount offered to settle a claim for punitive damages, if any; and

(D) State its total amount.

(3) The offer shall be construed as including all damages which may be awarded in a final judgment.

(f) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the

provisions of this section.

(g)(1) An offer shall be accepted by filing a written acceptance with the court within thirty (30) days after service.

(2) Upon filing of both the offer and acceptance, the court has full jurisdiction to enforce the settlement agreement.

(h)(1) An offer may be withdrawn in writing that is served before the date a written acceptance is filed.

(2) Once withdrawn, an offer is void.

(i)(1) Upon motion made by the offeror within thirty (30) days after the entry of judgment or after voluntary or involuntary dismissal, the court shall determine the following:

(A) If a defendant serves an offer that is not accepted by the plaintiff, and if the judgment obtained by the plaintiff is at least twenty-five percent (25%) less than the amount of the offer, the defendant shall be awarded reasonable costs, including investigative expenses, and attorney's fees incurred after the date the offer was served, and the court shall set off the costs in attorney's fees against the award;

(B) When the costs and attorney's fees total more than the amount of the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the award to the plaintiff; and

(C) If a plaintiff serves an offer that is not accepted by the defendant, and if the judgment obtained by the plaintiff is at least twenty-five percent (25%) more than the amount of the offer, the plaintiff shall be awarded reasonable costs, including investigative expenses, and attorney's fees incurred after the date the offer was served.

(2) For purposes of the determination required by subdivision (h)(1)(A), the term "judgment obtained" means the amount of the net judgment entered, plus any post offer collateral source payments received or due as of the date of the judgment, plus any post offer settlement amounts by which the verdict was reduced.

(3) For purposes of the determination required by subdivision (h)(1)(C), the term "judgment obtained" means the amount of the net judgment entered, plus any post offer settlement amounts by which the verdict was reduced.

(j)(1) If a party is entitled to costs and fees under this section, the court may, in its discretion, determine that an offer was not made in good faith and in that case, the court may disallow an award of costs and attorney's fees.

(2) When determining the reasonableness of an award of attorney's

fees under this section, the court shall consider, along with all other relevant criteria, the following additional factors:

- (A) The then apparent merit or lack of merit in the claim;
- (B) The number and nature of offers made by the parties;
- (C) The closeness of questions of fact and law at issue;
- (D) Whether the person making the offer had unreasonably refused to furnish information necessary to evaluate the reasonableness of the offer;
- (E) Whether the suit was in the nature of a test case presenting questions of far-reaching importance affecting nonparties; and
- (F) The amount of the additional delay cost and expense that the person making the offer reasonably would be expected to incur if the litigation should be prolonged.

(k) Evidence of an offer is admissible only in proceedings to enforce an accepted offer or to determine the imposition of sanctions under this section.”

/s/ Mike Hathorn

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hardwick, **HOUSE BILL NO. 2878** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 2878

Amend **HOUSE BILL NO. 2878** as engrossed, H4/04/03:

Page 4, line 11, delete "and approved" and substitute "~~and approved~~"

AND

Page 5, line 32, delete "(c)(1)" and substitute "(c)"

/s/ Horace Hardwick

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Hardwick, **HOUSE BILL NO. 2528** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2528

Amend **HOUSE BILL NO. 2528** as engrossed, H3/26/03:

Add Representatives Biggs, Anderson, Key, Parks, Bledsoe, Matayo, Kenny, House, Hutchinson, Harris, Martin, Borhauer, L. Evans, Agee, Rosenbaum, R. Smith, Pace, Sullivan, Berry, Schulte, Bright, Creekmore, and Hathorn as cosponsors of the bill
AND

Add Senators Gullett, J. Jeffress, G. Jeffress, and Walters as cosponsors of the bill
AND

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 6-15-403 is amended to read as follows:

6-15-403. Authority of State Board of Education.

The State Board of Education ~~through the Department of Education is hereby authorized to:~~

~~(1) Develop a comprehensive testing, assessment, and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes set forth in this subchapter:~~

- ~~(A) Set clear academic standards;~~
- ~~(B) Establish professional development;~~
- ~~(C) Establish expected achievement levels;~~
- ~~(D) Report on student achievement;~~
- ~~(E) Provide evaluation data;~~
- ~~(F) Recognize excellence; and~~
- ~~(G) Apply sanctions;~~

~~(2) Promulgate such rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment and academic accountability program; and~~

~~(3) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter. shall:~~

~~(1) Review periodically and approve the student performance standards known as the Arkansas State Standards in key academic subject areas and grade levels;~~

~~(2) Classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe~~

rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by rules and regulations for their class of service;

(3) Identify critical teacher shortage areas;

(4) Enforce compliance with law and state board rule by all school districts;

(5) Collect and maintain the management information databases for all components of the public kindergarten through grade twelve (K-12) education system;

(6) Promulgate such rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment and academic accountability program; and

(7) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter.

SECTION 2. Arkansas Code § 6-15-404 is repealed.

~~6-15-404. Program implementation.~~

~~(a)(1) The Department of Education shall develop and implement testing for public school students at the primary and middle level grades, as well as end-of-course testing, which is criterion-referenced and which measures application of knowledge and skills in reading and writing literacy, mathematics and, as funds are available, in science and social studies.~~

~~(2) The department shall test public school students with a nationally norm-referenced test to be selected by the State Board of Education at the middle-level and high school grades.~~

~~(3) The board shall establish expected levels of achievement on the criterion-referenced examinations.~~

~~(4) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.~~

~~(b) Any student failing to achieve the established standard on the criterion-referenced examinations shall be evaluated by school personnel, who shall jointly develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient.~~

~~(c)(1) Each school shall develop one (1) comprehensive, long-range school improvement plan focused on student achievement.~~

~~(2)(A) Any school that fails to achieve expected levels of student performance on criterion-referenced tests, norm-referenced tests, and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department. This improvement plan shall assist those students performing below grade level in achieving the expected standard.~~

~~(B) This plan shall be part of each school's long range comprehensive school improvement plan and shall be reported to the public.~~

~~(C) Progress on improved achievement shall be included as part of the school's and school district's annual report to the public.~~

~~(d) The department and the local school districts shall annually compile and disseminate to the public results of administering all required examinations. The results of the end of course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.~~

SECTION 3. Arkansas Code § 6-15-406 is repealed.

~~6-15-406. Assessment of basic skills.~~

~~The comprehensive testing, assessment, and accountability program to be developed by the Department of Education and approved by the State Board of Education shall include, but is not limited to, the following components or characteristics:~~

~~(1) Assessment of academic achievement at grade levels selected to be tested by the department;~~

~~(2) Longitudinal data collection;~~

~~(3) A variety of assessment methods;~~

~~(4) Construction of a database composed of academic performance indicators that shall apply to every school and school district in the state that will allow the department, over time, to identify those schools and school districts that are performing at or below proficient levels established under this subchapter; and~~

~~(5) Meaningful comparisons of Arkansas students with those of other states, regions, and the nation.~~

SECTION 4. Arkansas Code § 6-15-414 is repealed.

~~6-15-414. Testing additional grade levels.~~

~~At the direction of the State Board of Education, the Department of Education shall cause assessment instruments to be administered at additional grade levels as may be necessary to measure educational achievement in the public schools of this state.~~

SECTION 5. Arkansas Code §§ 6-15-421 through 6-15-422 are repealed.

~~6-15-421. Awards and sanctions.~~

~~(a)(1) The Department of Education is authorized to develop and implement, contingent upon appropriation and funding being provided by the General Assembly, a program of rewards to recognize individual schools that demonstrate exceptional performance in levels of student achievement and to recognize schools that demonstrate significant improvement in student achievement.~~

~~(b)(1) Each school that does not attain the expected levels of student performance on state-mandated indicators and individual school improvement indicators shall be designated by one (1) of several levels of sanction.~~

~~(2) Each level of sanction shall determine specific interventions to be provided to the school by the department. The levels of sanction developed under this subchapter shall be incorporated into the existing academic distress policy.~~

~~(c) The State Board of Education through the department is hereby authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this subchapter.~~

~~6-15-422. Comprehensive Testing, Assessment, and Accountability Program progress report.~~

~~The Department of Education shall report to the members of the House and Senate Interim Committees on Education on the progress of the Arkansas Comprehensive Testing, Assessment, and Accountability Program. The report shall be due on September 1, 1999, and annually thereafter.~~

SECTION 6. Arkansas Code § 6-16-203 is amended to read as follows:

6-16-203. Readiness testing.

~~(a) The Department of Education shall develop guidelines for school districts to perform readiness testing for children who are entering kindergarten.~~

~~(b)(1) After the department develops guidelines under subsection (a) of this section, each school district in the state shall conduct individual readiness testing on each child entering kindergarten and provide the results of the testing to the child's parents in a timely manner prior to the child's first day of school.~~

~~(2) The results of the testing that are provided to parents shall indicate in clear, understandable terminology the child's readiness for entering kindergarten.~~

(a) The Department of Education, with approval of the State Board of Education, shall develop and implement uniform school readiness screening and shall require that all school districts administer uniform school readiness screening to each kindergarten student in the district school system upon the student's entry into kindergarten.

(b)(1) The State Board of Education shall develop and the Department of Education shall implement uniform school readiness screening to assess a child's school readiness as part of a comprehensive evaluation design. Beginning with the 2004-2005 school year, the Department of Education shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the district's school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in first grade. The

Department of Education shall incorporate school readiness data into the kindergarten through grade twelve (K-12) data warehouse for longitudinal tracking.

(2) "Uniform school readiness screening" means uniform, objective evaluation procedures specifically formulated for children entering public school for the first time which are geared to either kindergarten or first grade, as developmentally appropriate, and developed by the Department of Education, with the approval of the State Board of Education, which shall provide objective data regarding expectations for school readiness.

SECTION 7. Arkansas Code §§ 6-15-402 is amended as follows:

6-15-402. Purpose.

(a)(1) The purpose of this subchapter is to provide the statutory framework necessary to ensure that all students in the public schools of this state demonstrate grade-level academic proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards, and assessments. The State of Arkansas recognizes and declares that students who are not performing at grade-level standards of academic proficiency are especially harmed by social promotion because they are not equipped with the necessary academic skills to be successful and productive members of society. ~~The State Department of Education is committed to having all students performing performing at their age appropriate grade level and beyond. For this reason, the Arkansas Comprehensive Testing, Assessment, and Accountability Program will emphasize point-in-time intervention and remediation upon the discovery that any student is not performing at grade level.~~

~~(2) This subchapter is constructed around a system that includes statewide indicators, individual school improvement indicators, and a locally generated school accountability narrative. The total program shall be applied to each school in the state public school system.~~

(2) It shall also be the purpose of this subchapter to provide information needed to improve the public schools by measuring annual learning gains of all students through longitudinal tracking, to inform parents of the educational progress of their public school children, and to inform the public of the performance of schools and their faculties. The program must be designed to:

(A) Assess the annual learning gains of each student toward achieving the Arkansas State Standards appropriate for the student's grade level;

(B) Provide data for building effective staff development programs and school accountability and recognition;

(C) Identify the educational strengths and weaknesses of students and the to help the teacher tailor instruction to the needs of the individual

student:

(D) Assess how well academic goals and performance standards are met at the classroom, school, school district, and state levels;

(E) Provide information to aid in the evaluation and development of educational programs and policies;

(F) Provide information on the performance of Arkansas students compared with other students from across the United States; and

(G) Identify best practices and schools that are in need of improving their practices.

(3) This subchapter is designed to be a multiyear commitment to assess the academic progress and performance of Arkansas' public school students, classrooms, schools, and school districts.

(b) The purposes of the assessment and accountability program developed pursuant to the provisions of this subchapter shall be to:

(1) Improve student learning and classroom instruction;

(2) Provide public accountability by ~~exemplifying~~ mandating expected achievement levels and reporting on student, classroom, school, and school district performance; and

(3) Provide evaluation data of student, classroom, school, and school district performance in order to assist policymakers at all levels in decision making.

(c)(1) It is the General Assembly' intent that Arkansas participate in the measurement of national educational goals.

(2) The State Board of Education shall direct Arkansas school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated.

(3) The Department of Education shall enforce and monitor school districts' participation in the National Assessment of Educational Progress program.

(4) The assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar program being administered in Arkansas.

(5) The results of these assessments shall be included in the annual report of the Department of Education specified in this subchapter.

(6) The administration of the National Assessment of Educational Progress or similar program shall be in addition to and separate from the administration of the Statewide Assessment Program.

(d) The priorities of the assessment and accountability program developed

pursuant to the provisions of this subchapter shall include:

(1) All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education or the workforce without remediation;

(2) Students demonstrate that they meet the expected academic standards consistently at all levels of their education;

(3) Academic standards for every level of the kindergarten through grade twelve (K-12) education system are aligned, and education financial resources are aligned with student performance expectations at each level of the kindergarten through grade twelve (K-12) education system;

(4) The quality of educational leadership at all levels of kindergarten through grade twelve (K-12) education is improved; and

(5) Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Arkansas cannot be the guarantor of each individual student's success. The goals of Arkansas's kindergarten through grade twelve (K-12) education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

SECTION 8. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended to add additional sections to read as follows:

6-15-424. Statewide assessment program.

(a) The Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools.

(b) Pursuant to the statewide assessment program, the Department of Education shall:

(1) Establish an Office of Assessment, Evaluation, and Accountability within the Department of Education which shall report to the State Board of Education and shall be responsible for determining the school performance grade categories pursuant to § 6-15-1701 et seq. School performance grades shall include consideration of the annual percentile ranking by grade and value-added measurement of student gains from year to year;

(2) Submit to the State Board of Education for adoption a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The list of content knowledge, skills, and competencies shall be known as the Arkansas State Standards as defined in § 6-15-419. The Department

of Education shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The Department of Education shall submit to the State Board of Education revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency;

(3) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators shall include, without limitation, the components of an adequate education as defined by the Arkansas General Assembly;

(4)(A) Implement a student achievement testing program, which includes both norm-referenced and criterion-referenced components, known as the Arkansas Comprehensive Assessment Test as part of the statewide assessment program, to be administered annually in grades one (1) through ten (10) to measure reading, writing, and mathematics. Science and U.S. history shall be measured on a schedule as determined by the State Board of Education. In addition, end of course exams shall be administered for Algebra I, geometry, literacy, U.S. history and Biology I. Other content areas may be included as directed by the State Board of Education.

(c) The testing program must be designed so that:

(1) The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (b). The tests must measure and report student achievement levels in reading, writing, and mathematics in yearly percentile categories and longitudinally tracking of the same students.

(A) The Department of Education shall provide for the tests to be obtained, developed or augmented, as appropriate, through contracts and project agreements.

(B) The Department of Education shall obtain input with respect to the augmentation of a nationally norm-referenced test with items that are aligned to the Arkansas State Standards of the testing program from state educators and the public.

(2) The testing program shall consist of a blueprint that incorporates a test which includes norm-referenced and criterion-referenced items augmented for Arkansas State Standards determined by the State Board of Education. Questions shall require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner.

(3) Each testing program, whether at the elementary, middle, or high

school level, shall include a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability. Writing test results shall be scored and returned for district and school use no later than June 1 of each year.

(4) A score shall be designated for each subject area tested which will be the required level of proficiency, below which score a student's performance is deemed inadequate.

(5) Beginning in the 2004-2005 school year, students in grades one through eight (1-8) who do not demonstrate proficiency in the Arkansas Comprehensive Assessment Test in reading, writing and mathematics must participate in an intense remediation program specific to identified deficiencies. Students in grades nine through twelve (9-12) must demonstrate proficiency on the state required end of course exams required pursuant to (6) below in order to receive credit for those corresponding courses.

(6) The State Board of Education shall designate, based on valid and reliable statistical models submitted by the Office of Assessment, Evaluation and Accountability, the proficiency levels for each part of the Arkansas Comprehensive Assessment Test. In establishing proficiency levels, the State Board of Education shall consider value added measurements of student achievement.

(7) Participation in the testing program is mandatory for all students attending public school, including students served by programs of the Division of Youth Services programs or its successor, except as otherwise prescribed by the State Board of Education. If a student does not participate in the Arkansas Comprehensive Assessment Test, the district must notify the student's parent and provide the parent with information regarding the reasons for and implications of such nonparticipation. The State Board of Education shall adopt rules, based upon recommendations of the Department of Education, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for Limited English proficient students. Accommodations that negate the validity of a statewide assessment or interpretations or implementations which result in less than ninety-five percent (95%) of all students attending public school participating in the testing program are not allowable.

(8) The Department of Education shall implement student testing programs for any grade level and subject area necessary to effectively monitor educational achievement in the state.

(9) District school boards must ensure that educators in their district provide instruction to prepare students to demonstrate proficiency in the skills and

competencies necessary for successful grade-to-grade progression and high school graduation. The Department of Education shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

(d) Conduct ongoing research to develop improved statistically reliable and valid methods of assessing student performance, including, without limitation:

(1) the use of technology to administer, score, or report the results of tests, (ii) the use of electronic transfer of data, and (iii) the development of work-product and the process assessments, if appropriate.

(e) Conduct ongoing research and analysis of individual student, school, district, and state achievement data, including, without limitation, monitoring trends in individual student, school, district, and state achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs, including longitudinal tracking data.

6-15-425. District testing programs.

Each district school board shall annually provide a written evaluation of student performance and achievement within each school of the district. This evaluation and suggested measures to improve performance shall be presented in a public hearing in the same locality as the school district and then submitted with comments made at the public hearing to the Arkansas Department of Education.

6-15-426. School testing programs.

Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs.

6-15-427. Required analyses.

The Department of Education shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(1) The statistical system for the annual assessments shall use the Arkansas Comprehensive Assessment Test and other valid and reliable measures of student learning, to determine classroom, school, and school district statistical distributions, which shall be determined using available data from the Arkansas Comprehensive Assessment Test, and other data collection as deemed appropriate by the State Board of Education, to measure the differences in student previous years

achievement compared to the current year achievement for the purposes of accountability and recognition;

(2)(A) The statistical system shall provide the best estimates of classroom, school, and school district effects on student progress based on established longitudinal, value-added calculations.

(B) The approach used by the Department of Education shall be approved by the State Board of Education before implementation; and

(3)(A) The annual testing program shall be administered to provide for valid statewide and national comparisons of learning gains to be made for purposes of accountability and recognition.

(B) The Department of Education shall establish a schedule for the administration of the statewide assessments.

(C) In establishing such schedule, the Department of Education is charged with the duty to accomplish the latest possible spring administration of the statewide assessments and the earliest possible provision, but no later than July 1, of the results to the school districts.

(D) District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

6-15-428. Local assessments.

School districts may elect to measure the learning gains of students in subjects and at grade levels in addition to those required for the State Student Achievement Testing Program. Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the State Student Achievement Testing Program is the responsibility of the school districts.

6-15-429. Applicability of testing standards.

A student must meet the testing requirements for high school graduation that were in effect at the time the student entered grade nine (9), provided the student's enrollment was continuous.

6-15-430. Rules.

The State Board of Education shall adopt any rules necessary to implement Arkansas Comprehensive, Testing, Assessment and Accountability Program under § 6-15-401 et seq. pursuant to the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.

6-15-431. Test security.

(a) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Department of Education to students, educators, or applicants for certification or administered by school districts pursuant

to § 6-15-424, or with respect to any such test, knowingly and willfully to:

- (1) Give examinees access to test questions prior to testing;
- (2) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (3) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (4) Make answer keys available to examinees;
- (5) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (6) Fail to follow test administration directions specified in the test administration manuals; or
- (7) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(b) Any person who violates this section commits a Class A misdemeanor of the first degree, punishable as provided in § 5-4-201.

(c) A district school superintendent and the district school board shall cooperate with the Department of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

SECTION 9. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1601. Public school student progression; remedial instruction; reporting requirements — Intent.

It is the intent of the General Assembly that:

- (1) Each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, and mathematics;
- (2) That district school board policies facilitate such proficiency; and
- (3) That each student and his or her parent be informed of that student's academic progress.

6-15-1602. Public school student progression; remedial instruction; reporting requirements — Comprehensive Program.

The State Board of Education shall establish a comprehensive program for student progression which must include:

- (1) Standards for evaluating each student's performance, including the student's mastery level with respect to the Arkansas State Standards;
- (2) Specific levels of performance in reading, writing, and mathematics for each grade level and specific proficiency levels of performance on statewide assessments including end-of-course exams, below which a student must be

remediated within an intensive program that is different from the previous year's program and that takes into account the student's learning style; and

(3) Appropriate alternative placement as developed by the local school board and approved by the Department of Education for a student who has been retained two (2) or more years.

6-15-1603. Public school student progression; remedial instruction; reporting requirements — Allocation of resources.

District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students who are deficient in reading by the end of grade three (3); and

(b) Students who fail to meet performance levels required for promotion consistent with the state's plan for student progression required in § 6-15-1602(b).

6-15-1604. Public school student progression; remedial instruction; reporting requirements — Assessment and remediation.

(a)(1) Each student must participate in the statewide program of educational assessment required by § 6-15-424.

(2) For each student who does not meet specific levels of performance as determined by the State Board of Education in reading, writing, and mathematics for each grade level, or who does not meet specific proficiency levels of performance as determined by the State Board of Education on statewide assessments, including end-of-course exams, the school district must administer additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

(b) The school in which the student who did not meet the specific levels of performance or specific proficiency level is enrolled must develop and implement, after notification pursuant to § 6-15-1605(b) and in consultation with the student's parent, an academic improvement plan designed to assist the student in meeting state expectations for proficiency.

(1) After the completion of the plan and prior to August 1 of each year, each student identified as not meeting proficiency levels in the previous spring test shall be retested using an alternate version of the ACAT. Scoring of these tests and subsequent determination of meeting proficiency levels shall be under the direction of the Office of Assessment, Evaluation, and Accountability, and may involve the assistance of the regional education service centers. Students identified for an academic improvement plan who do not participate in the program and do not meet proficiency level on the alternate version of the test shall be retained.

(2) Beginning with the 2005-2006 school year, if the student has been

identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance.

(3) Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. Remedial instruction provided during high school may not be in lieu of English, mathematics, science, or history credits required for graduation.

(c)(1) Upon subsequent evaluation established in the academic improvement plan and prior to the next school year, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student shall be retained.

(2) Each student who does not meet the minimum performance expectations defined by the State Board of Education for the statewide assessment tests in reading, writing, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student is not subject to compulsory school attendance.

6-15-1605. Public school student progression; remedial instruction; reporting requirements — Reading deficiency and parental notification.

(a) It is the ultimate goal of the General Assembly that every student read at or above his or her grade level. Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in kindergarten, grade one (1), grade two (2), or grade three (3), or through teacher observations, must be given intensive reading instruction utilizing a reading program approved by the State Board of Education immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by utilizing assessments within the State Board of Education approved reading program. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2005-2006 school year, the parent of any student who exhibits a substantial deficiency in reading, as described in subsection (a) of this section, must be notified in writing of the following:

(1) That his or her child has been identified as having a substantial deficiency in reading;

(2) A description of the current services that are provided to the child;
and

(3) A description of the proposed supplemental instructional services

and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

6-15-1606. Public school student progression; remedial instruction; reporting requirements — Elimination of social promotion.

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The Department of Education shall only exempt students from mandatory retention, as provided in § 6-15-1604(c), for good cause. Good cause exemptions shall be limited to the following:

(1) Limited English proficient students who have had less than two (2) years of instruction in an English for Speakers of Other Languages program;

(2) Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with any requirements of State Board of Education rules or regulations;

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;

(4) Students with disabilities who participate in the Arkansas Comprehensive Assessment Test and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by §§ 6-15-1604(b) and 6-15-1605(a), for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade one (1), or grade two (2); and

(5) Students who have received the intensive remediation in reading as required by §§ 6-15-1604(b) and 6-15-1605(a) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade one (1), or grade two (2) for a total of two (2) years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The Department of Education shall assist schools and teachers to implement reading strategies that scientifically-based research has shown to be successful in improving reading among low performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in §§ 6-15-1606(b)(3) and (4) shall be made consistent with the following:

(1) Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is

based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing academic improvement plan, individual education plan or Section 504 plan, if applicable, report card, and student portfolio; and

(2) The school principal shall review and discuss such recommendation with the teacher and make the recommendation as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

6-15-1607. Public school student progression; remedial instruction; reporting requirements — Annual report.

(a) In addition to the requirements in § 6-15-1605(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state expectations for proficiency in reading, writing, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board which is consistent with § 6-15-1701(b).

(b) Beginning with the 2004-2005 school year, each district school board must annually publish in the local newspaper and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

(1) The provisions of this section relating to public school student progression and the State Board of Education's policies and procedures on student retention and promotion;

(2) By grade, the number and percentage of all students in grades one (1) through twelve (12) performing at proficiency levels on the Arkansas Comprehensive Assessment Test and on end of course exams;

(3) By grade, the number and percentage of all students retained in grades one (1) through eight (8);

(4) The graduation rate, grade inflation rate, drop-out rate, for grades nine (9) through twelve (12) and college remediation rate;

(5) Information on the total number of students who were promoted for good cause, by each category of good cause as specified in § 6-15-1606(b); and

(6) Any revisions to the state's policy on student retention and

promotion from the prior year.

(7) Nothing in this section shall be in conflict with the federal Education Reporting Privacy Act.

6-15-1608. Public school student progression; remedial instruction; reporting requirements — State Board of Education authority and responsibilities.

(a) The State Board of Education may, as provided in §§ 6-15-1901 through 6-15-1902 to enforce this section.

(b) The State Board of Education shall adopt rules for the administration of this subchapter.

6-15-1609. Public school student progression; remedial instruction; reporting requirements — Technical Assistance.

The Department of Education shall provide technical assistance as needed to aid district school boards in administering this section.

SECTION 10. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1701. School grading system; district performance grade —Annual reports.

(a) The Department of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school, as well as the school performance grades pursuant to § 6-15-1702. The Department of Education shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Department of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of § 6-18-902 pertaining to student records apply to this section. Annual school reports shall be sent to all parents and posted on the State Department of Education website.

(b) The Department of Education shall provide information regarding performance of students and educational programs as required pursuant to §§ 6-15-424 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services programs, and for those schools, report on any additional educational elements required by § 9-28-201 et seq. Annual public disclosure reports shall be in an easy-to-read report card format and shall include

the school's student and school performance grade category designation and performance data as specified in state board rule.

6-15-1702. School grading system; district performance grade — School performance grade categories

(a) The annual report shall designate two (2) grades for each school, one (1) for the school's performance on the ACAT in the current year, and one (1) based on improvement from the prior year, hereafter referred to as Adequate Yearly Progress, pursuant to § 6-15-1704 and described in § 6-15-419(25). For the designation determined by annual performance, annual performance shall identify schools as being in one (1) of the following grade categories defined according to rules of the State Board of Education:

- (1) "A", schools with excellent student performance;
- (2) "B", schools with above adequate student performance;
- (3) "C", schools with adequate student performance;
- (4) "D", schools in need of improvement; and
- (5) "F", schools in need of immediate improvement.

(b) For the years 2003-2004 and 2004-2005, schools will not be assigned a letter grade, instead they will be assigned the descriptive language for the appropriate grade.

(c) Each school designated in performance grade category "A", with excellent student performance, or having improved at least two (2) performance grade categories, shall have greater authority over the allocation of the school's total budget generated from the federal funds, state categoricals, grants, and local funds, as specified in State Board of Education rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

6-15-1703. School grading system; district performance grade—Designation of school performance grade categories.

(a) School performance grade category designations itemized in § 6-15-1702 shall be based on the following:

(1) School performance grade category designations shall be based on the school's current year performance.

(2) School performance grade category designation shall be based on a combination of student achievement scores as measured by annual Arkansas Comprehensive Assessment Test assessments and end-of-course exams in grades one (1) through twelve (12).

(b) Student assessment data used in determining school performance grade

categories shall include the aggregate scores of all eligible students enrolled in the school who have been assessed on the Arkansas Comprehensive Assessment Test.

(c) The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The State Board of Education shall adopt appropriate criteria for each school performance grade category and shall assure that rankings correspond with measurement provisions of the No Child Left Behind Act. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making adequate yearly progress, shall be required to demonstrate that adequate yearly progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the Arkansas Comprehensive Assessment Test unless these students are performing above the adequate yearly progress performance level.

(c) School that receive a school performance grade category of "A" or "B" are eligible for school recognition awards and performance-based funding pursuant to § 6-15-1802.

6-15-1704. School grading system; district adequate yearly progress grade—
School adequate yearly progress grade categories.

(a) The annual report shall identify schools as being in one of the following grade categories defined according to rules of the State Board of Education as defined in the state's plan submitted to the United States Department of Education, and in compliance with the provisions of this act:

- (1) "A", schools providing excellent adequate yearly progress;
- (2) "B", schools providing above adequate yearly progress;
- (3) "C", schools providing adequate yearly progress;
- (4) "D", schools in need of improvement; and
- (5) "F", schools in need of immediate improvement.

(b) Each school designated in performance grade category "A", excellent adequate yearly progress, or having improved at least two (2) grade categories, shall have greater authority over the allocation of the school's total budget generated from the federal funds, state categoricals, grants, and local funds, as specified in State Board of Education rule. The rule must provide that the increased budget authority shall remain in effect until the school's adequate yearly progress grade declines.

6-15-1705. School grading system; district adequate yearly progress grade—
Designation of school adequate yearly progress grade categories.

(a) The annual report shall identify each school's adequate yearly progress grade. The school adequate yearly progress grade category designations itemized

in § 6-15-1704 shall be based on the following:

(1) Comparison of the current year's and prior years' student and school performance data based in part on the longitudinal tracking of student progress;

(2) Comparison of the current year's and prior years' student performance data for the lowest twenty-fifth (25th) percentile of students in the school in reading, math, or writing on the Arkansas Comprehensive Assessment Test, unless these students are performing above satisfactory performance; and

(3) Comparison of current year's and prior years' student performance data for each of the student subclasses as defined in the Arkansas State Accountability Plan, filed in compliance with the No Child Left Behind Act's requirements.

6-15-1706. School grading system; district performance grade—School performance grade category and improvement rating reports.

School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district and shall be available on the Department of Education's website. Parents shall be entitled to an easy-to-read written report card describing the designation and rating of the school in which their child is enrolled.

6-15-1707. School grading system; district performance grade and adequate yearly progress — Annual

The State Board of Education shall adopt rules necessary to implement § 6-15-1701 et seq. pursuant to the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.

6-15-1708. School grading system; district performance grade —District performance grade.

(a) The annual report required by § 6-15-1701 shall include district performance grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district.

(b) A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to § 6-15-1702 by school enrollment.

SECTION 11. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1801. Kindergarten through grade twelve (K-12) education performance accountability system — Legislative intent.

(a) It is the intent of the General Assembly that the performance

accountability system shall be implemented to assess the effectiveness of Arkansas's seamless kindergarten through grade twelve (K-12) education delivery system and mission and goals to:

(1) Determine what the public is receiving in return for the funds invested in education;

(2) Determine the effectiveness of Arkansas's kindergarten through grade twelve (K-12) education system in educating its students;

(3) Determine the effectiveness of the major delivery sectors promoting student achievement;

(4) Determine how are individual schools are performing with respect to their responsibility to educate their students as measured by how students are performing and how much they are learning;

(5) Determine how Arkansas performing compared to other states, especially the states of the Board of Control for Southern Regional Education.

(b)(1) The State Board of Education shall establish and report to the Governor and the General Assembly systemwide performance standards.

(2) The State Board of Education shall establish systemwide performance measures and standards, and the systemwide measures and standards shall provide Arkansans with information on what the public is receiving in return for the funds it invests in education and how well the kindergarten through grade twelve (K-12) system educates its students.

(c) The State Board of Education shall establish performance measures and shall set performance standards for individual components of the public education system, including individual schools and districts, with measures and standards based primarily on student achievement.

6-15-1802. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that:

(1) Receives a grade of "A" or "B" for its academic performance pursuant to § 6-15-1702 and at least a "C" for school improvement pursuant to § 6-15-1704; or

(2) Receives a grade of "A" or "B" for its school improvement pursuant

to § 6-15-1704.

(c) Each school meeting the requirements set out in subdivisions (b)(1) or (b)(2) of this section below shall receive performance-based funding in the amount of one hundred dollars (\$100) per student, who participated in the school's assessment program. A school that receives a grade of "A" or "B" for its academic performance under § 6-15-1702 and that receives a grade of "A" or "B" for its school improvement under § 6-15-1704 shall receive performance-based funding based on both its academic performance and its school improvement. Each school that receives performance-based funding must submit a proposal for its spending of the performance-based funding to the Department of Education. The Department of Education shall review and approve or reject each proposal. The Department of Education shall approve spending of performance-based funding for academic expenses only as set forth in subsection (f) of this section.

(d) All public schools, including charter schools, that receive school grades pursuant to §§ 6-15-1702 and 6-15-1704 are eligible to participate in the program.

(e) All eligible schools shall receive performance-based funding. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (f) of this section as determined by a committee which shall include the principal, a teacher elected by the faculty, and a representative selected by the Parent Advisory Council. The committee must make its determination by November 1 of each applicable year.

(f) School recognition awards must be used for the following:

- (1) Nonrecurring bonuses to the faculty and staff;
- (2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or
- (3) Temporary personnel for the school to assist in maintaining and improving student performance.

6-15-1803. Kindergarten through grade twelve (K-12) education Performance Accountability System — Mission Goals and Systemwide Measures.

(a) The mission of Arkansas's kindergarten through grade twelve (K-12) education system shall be to increase the proficiency of all students within one (1) seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, taxpayers, and communities, and to maintain an accountability system that measures student progress toward the following goals:

- (1) Highest student achievement, as measured by:
 - (A) Student Arkansas Comprehensive Assessment Test performance and annual learning gains;

(B) The number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to § 6-15-1702; and

(C) Graduation or completion rates at all learning levels; and other measures identified in law or rule; and

(2) Seamless articulation and maximum access, as measured by:

(A) The percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through twelfth grade, into the workforce and into higher education, adjusted for the number of college freshman that graduated from Arkansas high schools that need remediation in reading and math;

(B) The number and percentage of students needing remediation; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and

(C) Other measures identified by law or State Board of Education rule.

6-15-1804. Kindergarten through grade twelve (K-12) education performance accountability system — Systemwide data collection.

School districts and the Department of Education shall maintain information systems that will provide the State Board of Education and the General Assembly with information and reports at a level of comprehensiveness and quality no less than that which will be available as of June 30, 2005.

SECTION 12. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-1901. State board of education oversight and enforcement authority.

(a) The State Board of Education shall oversee the performance of school districts in enforcement of all laws and rules. District school boards shall be primarily responsible for compliance with law and State Board of Education rule.

(1) In order to ensure compliance with law or State Board of Education rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts. District school superintendents are responsible for the accuracy of the information and data reported to the State Board of Education.

(2) The Department of Education may investigate allegations of noncompliance with law or State Board of Education rule and determine probable cause. The Department of Education shall report to the State Board of Education which shall require the district school board to document compliance with law or State Board of Education rule.

(3) If the district school board cannot satisfactorily document compliance, the State Board of Education shall order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board is unwilling or unable to comply with law or State Board of Education rule within the specified time a report shall be made to the Legislative Council stating that the school district has been unwilling or unable to comply with law or State Board of Education rule and such report shall contain a detailed plan of action by the State Board of Education that has been taken or will be taken to remedy the situation. Once such report has been filed, the State Board of Education shall have the authority to initiate any of the following actions:

(A) Withhold the transfer of discretionary grant funds or any other funds specified as eligible for this purpose by the General Assembly until the school district complies with the law or State Board of Education rule;

(B) Declare the school district ineligible for competitive grants or performance based funding;

(C) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied; and

(D) Conduct hearings regarding whether each effected school district should be consolidated with another school district or each effected school district, or school should be subject to reconstitution, as defined herein, or both.

(2) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

6-15-1902. Authority to enforce public school improvement.

(a) It is the intent of the General Assembly that all public schools be held accountable for students performing at proficient or better levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate yearly progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education and shall be consistent with the provisions of the No Child Left Behind Act, in existence on January 1, 2003.

(b) For purposes of determining when a school is eligible for State Board of Education action and the Public School Choice Option is available for its students, Arkansas' adequate yearly progress grading system calculations shall correspond with the definition for school improvement in the No Child Left Behind Act. The State Board of Education shall assure that:

(1) For all schools which have received a adequate yearly progress grade of "D" or "F" in one (1) year, the State Department of Education shall provide technical assistance pursuant to § 6-15-2001(f).

(2) For all schools which have received a adequate yearly progress grade of "D" or "F" in one year, each school shall develop a two-year school improvement plan, with notification of and in consultation with parents, school staff, the local education agency, and other experts. The district school board shall provide technical assistance as the school develops and implements the plan;

(3) For all schools which have received a adequate yearly progress grade of "D" or "F" for two (2) consecutive years or for any two (2) years in a four (4) year period, all students in these schools shall be offered the Public School Choice Option and transportation shall be provided by the resident school district, pursuant to § 6-18-206(c), to either (A) the closest adequately performing or better than adequately performing school within the district, or (B) if there is not an adequately performing or better than adequately performing school within the district, the closest adequately performing or better than adequately performing school. In addition, the school district board shall provide supplemental educational services, approved by the State Board of Education, to disadvantaged students;

(4) For all schools which have received a adequate yearly progress grade of "D" or "F" for three (3) consecutive years, in addition to offering students the Public School Choice Option, providing technical assistance and supplemental services, the district school board shall take at least one of the following corrective actions:

(A) Replace the principal and staff, or if appropriate, the superintendent, or both;

(B) Recommend to the State Board of Education that it conduct hearings regarding whether each responsible district employee shall have his or her certification suspended or revoked;

(C) Implement a new curriculum based on scientifically based research, including professional development;

(D) Significantly decrease management authority at the school level;

(E) Extend the school day or school year;

(F) Appoint an outside expert to advise the school on its progress toward making adequate Yearly Progress in accordance with its school plan; or

(G) Reconstitute the school internally.

(5) For all schools which have received a adequate yearly progress

grade of "D" or "F" for four consecutive years, all students are offered the Public School Choice Option, the district school board shall offer supplemental services, and shall prepare a plan and make necessary arrangements to carry out one of the following options:

(A) Reopen the school as a charter school;

(B) Replace the principal and staff, or if appropriate, the superintendent, or both;

(C) Recommend to the State Board of Education that a non-public hearing, unless the employee requests a public hearing, be confidential if the hearing is regarding whether each responsible district employee shall have his or her certification suspended or revoked.

(D) Contract with a private management company which has displayed school management effectiveness;

(E) Relinquish school management to the State Department of Education; or

(F) Any other significant restructuring of school governance approved by the State Board of Education;

(6) For all schools which have received a adequate yearly progress grade of "D" or "F" for five (5) consecutive years, the State Board of Education shall implement an alternative governance plan no later than the first day of the school year following year four (4) described in subdivision (b)(4).

(7) With State Board of Education approval, a district school board may delay, for up to one (1) year, the implementation of supplemental services, corrective action, or restructuring if:

(A) The school makes adequate yearly progress for one year,
or

(B) The school's inability to make adequate yearly progress is due to exceptional or uncontrollable circumstances, including, but not limited to, force majeure.

(8) The Department of Education shall develop rules and regulations which provide for the transition from prior law concerning districts and schools in academic distress as of the date of implementation and effect of this subchapter. It is the intent of the General Assembly that with respect to a school or district previously found to be in academic distress that the requirements of prior law and this subchapter shall be melded so as not to waive any of the consequences of such designation merely as a result of the enactment of this subchapter.

SECTION 13. Arkansas Code § 6-18-206, concerning public school choice is amended to read as follows:

(a)(1) This section may be referred to and cited as the "Arkansas Public School Choice Act of ~~1989~~ 2003".

~~(2) The General Assembly hereby finds that the students in Arkansas' public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential. The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The General Assembly recognizes that the Arkansas Constitution, as interpreted by the Arkansas Supreme Court in Lake View School District No. 25 v. Mike Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the state. The General Assembly finds that the State Constitution requires the state to provide an adequate education. The General Assembly further finds that a student should not be compelled, against the wishes of the student's parent, to remain in a school found by the state to be failing for two (2) or more consecutive years or any two (2) years of a four (4) year period with a grade of "D" or "F" pursuant to § 6-15-1704. The General Assembly shall make available a public school choice option in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily.~~

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools, since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

~~(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.~~

~~(5)(4) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside transfer from a failing or underperforming school to any other public school in the state, subject to the restrictions contained in this section.~~

~~(b)(1)(A) Before a student may attend a school in a nonresident district, the~~

~~student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.~~

~~(B)(i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, a participating district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.~~

~~(ii) If the application is rejected, the nonresident district must state in the notification letter the reason for rejection.~~

~~(iii) If the application is accepted, the nonresident district shall state in the notification letter:~~

~~(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and~~

~~(b) Any instructions for the renewal procedures established by the district.~~

~~(2)(A) The school board of any participating district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to § 6-18-510.~~

~~(B)(i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.~~

~~(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) is received by the student.~~

~~(3) A school board may by resolution determine that it will not admit any nonresident pupil to its schools pursuant to this section.~~

(b)(1) A public school student's parent may request and shall receive from the Department of Education a transfer option for the student to enroll in and attend another public school in accordance with the provisions of this section if:

(A)(i) By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to § 6-15-1702 as adequate yearly progress grade category "F" and that has had 2 or more consecutive school years of such low performance, and the student's attendance occurred during a school year in which such designation was in effect;

(ii) The student has been in attendance elsewhere in the public school system and has been assigned to such school for the next school year;
or

(iii) The student is entering kindergarten or first grade and has been notified that the student has been assigned to such school for the next school year.

(B) The parent has notified the Department of Education and both the sending and receiving school districts of the request for a transfer no later than July 1 of the first year in which the student intends to transfer.

(2) The provisions of this section shall not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Division of Youth Services of the Department of Human Services commitment programs. For purposes of continuity of educational choice, the transfer shall remain in force until the student completes high school or the parent notifies the Department of Education and both the sending and receiving school districts, no later than July 1 following the current school year, of his or her desire to transfer back to the child's resident school district at the end of the current school year.

(3)(A) A school district shall, for each student enrolled in or assigned to a school that has been designated as adequate yearly progress grade category "F" for two (2) or more consecutive school years:

(i) Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this section; and

(ii) Offer that student's parent an opportunity to enroll the student in any public school that has been designated by the state pursuant to § 6-15-1704 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than adequate yearly progress grade category "C." The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(B) The parent of a student enrolled in or assigned to a school that has been designated adequate yearly progress grade category "F" for two (2) or

more consecutive school years may choose as an alternative to enroll the student in a higher-performing public school in any school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Equitable School Finance System Act of 1995.

(C) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law, and any funding for such student shall be transferred to the district to which the student transfers.

~~(c) The responsibility for transportation of a student from the student's resident school district to nonresident school district shall be borne by the student or the student's parents. The resident school district and the nonresident school district may enter into a written agreement with the student or student's parents to provide transportation to or from the nonresident district, or both.~~

(c) If the parent chooses to request that the student be enrolled in a higher performing public school, transportation costs to the to either (A) the closest adequately performing school within the district, or (B) if there is not an adequately performing school within the district, the closest adequately performing school shall be the responsibility of the transferring school district. The transferring district may utilize state categorical transportation funds or federal funds as permitted by federal law.

(d)(1) Each district school board shall offer the Public School Choice Option within the public schools. The Public School Choice Option shall be offered in addition to the existing choice programs such as magnet schools, alternative schools, special programs, and dual enrollment.

(2) Each district school board shall develop a Public School Choice Option plan which describes the implementation of subdivision (d)(1) of this section. In the event that the Public School Choice Option results in a receiving district requiring temporary facilities or faculty as a result of and to accommodate the additional students, expenses related thereto in excess of that received for each student electing the Public School Choice Option shall be borne by the State.

(3) School districts shall adhere to federal desegregation requirements. No Public School Choice Option plan that conflicts with federal desegregation orders shall be implemented.

(4) The Department of Education shall develop an annual report on the status of school choice and deliver the report to the State Board of Education, the Governor, and the Legislative Council at least ninety (90) days prior to the convening of the regular session of the General Assembly.

(5) Each district school board shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools, according to rules adopted by the State Board of Education.

(e)(1) A nonresident receiving district shall accept credits toward graduation that were awarded by another district.

(2) The nonresident receiving district shall award a diploma to a nonresident student if the student meets the nonresident receiving district's graduation requirements.

(f) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

~~(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:~~

~~(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (2) and (4) of this subsection;~~

~~(2) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if all districts within a county have voted to participate in choice, if the transfer is between two (2) districts within a county, and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department;~~

~~(3) The department shall by the filing deadline each year compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county. In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one fourth (1/4) or twenty five percent (25%) of the county's racial balance. In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one fourth (1/4) or twenty five percent (25%) of the county's racial balance;~~

~~(4) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district within the county does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;~~

~~(5) In any instance where the foregoing provisions would result in a conflict with a desegregation court order or a district's court approved desegregation plan, the terms of the order or plan shall govern;~~

~~(6) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and~~

~~(7) The department shall monitor school districts for compliance with this section.~~

~~(g) The state board shall be authorized to resolve disputes arising under subsections (b) (f) of this section.~~

~~(h) A district participating under this program shall cause public announcements to be made over the broadcast media and in the print media at such times and in such manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

~~(i)(g) (1) All school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.~~

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Committee on Educational Reform.

(h)(1) Any student participating in the Public School Choice Option must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(2) The parent of each student participating in the Public School Choice Option must comply fully with the receiving public school's parental involvement requirements, unless excused by the school for illness or other good

cause.

(3) The parent shall ensure that the student participating in the Public School Choice Option takes all statewide assessments, including, but not limited to Arkansas Comprehensive Assessment Test, required pursuant to § 6-15-424.

(4) A participant who fails to comply with this subsection shall forfeit the Public School Choice Option.

(i)(1) The maximum Public School Choice funds granted for an eligible student shall be a calculated amount equivalent to the base student allocation for the receiving district. In addition, the calculated amount shall include the per-student share of instructional materials funds, technology funds, and other categorical funds as provided for this purpose in the General Appropriations Act.

(2) The receiving school district shall report all students who transfer from another public school under this program. The students attending public schools pursuant to the Public School Choice Option shall be reported separately from those students reported for purposes of compliance with the Equitable School Finance System Act of 1995.

(3) The public school that provides services to students with disabilities shall receive the weighted funding for such services at the appropriate funding level consistent with the provisions of § 6-20-323.

(4) Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the amount calculated pursuant to the Equitable School Finance System Act of 1995 and authorized categorical accounts to a separate account for quarterly disbursement to receiving district or charter schools.

(5) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make school transfer fund payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the Public School Choice Option is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the receiving school.

(j) No liability shall arise on the part of the state based on any grant or use of fund for the Public School Choice Option.

(k) The State Board of Education shall adopt any rules necessary for the implementation of the Arkansas Public School Choice Act of 1989, § 6-18-206 et seq. pursuant to the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.

(l) Losses in revenue to a district directly related to the transfer of students

pursuant to this section shall not be considered when determining a district's eligibility for funding pursuant to § 6-20-326.

SECTION 14. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

6-15-2001. Implementation of state system of school improvement and education accountability.

(a) The Department of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs to implement the following:

(1) A system of data collection and analysis that will improve information about the educational success of individual students and schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services programs. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this section shall be distributed to the appropriate district school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in Freedom of Information Act, § 25-19-101 et seq.;

(2) A program of school improvement that will analyze information to identify schools educational programs or educational activities in need of improvement;

(3) A method of delivering services to assist school districts and schools to improve; and

(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.

(b) The Department of Education shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section. There shall be an annual determination of whether adequate yearly progress is being made toward implementing and maintaining a system of school improvement and education accountability.

(c) The annual feedback report shall be developed by the Department of Education.

(d) The Department of Education shall review each district school board's feedback report and submit findings to the State Board of Education and the Legislative Council. If adequate yearly progress is not being made the State Board of Education shall direct the Department of Education to prepare and implement a

corrective action plan. The Department of Education and State Board of Education shall monitor the development and implementation of the corrective action plan.

(e) The Department of Education shall report to the Legislative Council and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Division of Youth Services programs, for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and § 6-15-1701 and according to rules adopted by the State Board of Education.

(f)(1) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(2) Upon request, the Department of Education shall provide technical assistance and training to any school, including any school operating for the purpose of providing educational services to youth in Division of Youth Services programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(3) The Department of Education shall send a technical assistance team to each school without an approved school improvement plan to develop such school improvement plan or to develop a strategy for corrective action. Notice shall be given to the public of the Department of Education's intervention and shall identify each school without a plan.

(4) The Department of Education shall assign a community assessment team to each school district with a school designated as performance grade category "D" or "F" to review the school performance data and determine causes for the low performance. The team shall make recommendations to the school board, to the Department of Education, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school's low performance. The assessment team shall include, but not be limited to, a Department of Education representative, parents, business representatives,

educators, and community activists, and shall represent the demographics of the community from which they are appointed. Each assessment team shall receive training prior to deployment, including, but not limited to, data disaggregation.

(g)(1) Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in §§ 6-15-2401 through 6-15-2409.

(2) Schools that have improved at least two (2) performance grade categories and that meet the criteria of the Arkansas School Recognition Program under § 6-15-1803 may be given deregulated status as specified in § 6-15-2401 et seq.

(h) As a part of the system of educational accountability, the Department of Education shall:

(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-1701 et seq., 6-15-424, and 6-15-403;

(2) Administer the statewide assessment testing program created by § 6-15-424;

(3) Conduct the program assessments required by § 6-15-403; and

(4) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the State Board of Education or law.

SECTION 15. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter.

6-15-2101. Best financial management practices for school districts - Standards - Reviews - Designation of school districts.

(a) The purpose of best financial management practices reviews are to improve Arkansas school district management's use of resources and to identify cost savings. The Department of Education and the Division of Legislative Audit of the Legislative Joint Auditing Committee of the General Assembly are directed to develop a system for reviewing the financial management practices of school districts. In this system, the Division of Legislative Audit shall assist the Department of Education in examining district operations to determine whether they meet "best financial management practices."

(b)(1) The best financial management practices adopted by the State Board of Education may be updated periodically after consultation with the Legislative Council, the Governor, the Department of Education, school districts, and the Division of Legislative Audit. The Department of Education shall submit to the State Board of Education for review and adoption proposed revisions to the best financial management practices adopted by the Board of Education and reviewed by the

Legislative Council. The best financial management practices, at a minimum, must instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

(A) Management structures;

(B) Performance accountability;

(C) Efficient delivery of educational services, including instructional materials;

(D) Administrative and instructional technology;

(E) Personnel systems and benefits management;

(F) Facilities construction;

(G) Facilities maintenance;

(H) Student transportation;

(I) Food service operations;

(J) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing;

(K) Athletics; and

(L) Other extra-curricular activities.

(2) In areas for which the Board of Education has not adopted best practices, the Department of Education may develop additional best financial management practices, with input from a broad range of stakeholders. The Department of Education shall present any additional best practices to the State Board of Education for review and adoption. Revised best financial management practices adopted by the State Board of Education must be used in the next year's scheduled school district reviews conducted according to this section.

(c) The State Board of Education shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act biannually. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, the Department of Education shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this subsection. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the State Board of Education, pursuant to subsection (b) of this section. The State Board of Education may include additional items in the scope of

the review after seeking input from the school district and the Department of Education.

(d) The State Board of Education shall consult with the Department of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.

(e)(1) It is the intent of the General Assembly that each school district shall be subject to a best financial management practices review. The General Assembly also intends that all school districts shall be reviewed annually and shall be given one of the following designations:

(A) "A", schools comprehensively complying with best financial practices;

(B) "B", schools complying with best financial practices at significant levels;

(C) "C", schools adequately complying with best financial practices;

(D) "D", schools less than adequately complying with best financial practices;

(E) "F", schools failing to comply with best financial practices.

(2) The State Department of Education shall prepare annual reports of the results of the best financial management practices reviews and shall post to its website the school and district financial grades pursuant to subsection (b) of this section. The report, which shall be part of the overall school and district report card requirement pursuant to § 6-15-1701, shall include both revenue sources and expenditures. The reporting of expenditures shall include breakdowns of administrative, instructional, support, and operations expenditures, as well as any other financial commitments of the school and district.

(f) The Legislative Council may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled.

(g) The Department of Education, subject to funding by the General Assembly, may conduct, or contract with a private firm to conduct, up to two (2) additional best financial management practices reviews.

(h) Reviews shall be conducted by the Division of Legislative Audit and the consultant to the extent specifically funded by the General Assembly in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by the Division of Legislative Audit and private consultants contracted by the State Board of Education. Costs may include professional services, travel expenses of Department of Education and staff of the Division of Legislative Audit, and any other

necessary expenses incurred as part of a best financial management practices review.

(i) Districts must complete a self-assessment instrument provided by the Department of Education which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than sixty (60) days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to the Department of Education not later than the date of commencement of the review as notified by the Department of Education. The best practices review team will use this self-assessment information during their review of the district.

(j) During the review, the Department of Education and the consultant conducting the review, if any, shall hold at least one (1) advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(k) District reviews conducted under this section must be completed within six (6) months after commencement. The Department of Education shall issue a final report to the Legislative Council regarding the district's use of best financial management practices and cost savings recommendations within sixty (60) days after completing the reviews. Copies of the final report shall be provided to the Governor, the State Board of Education, the district superintendent and the districts' school board members. The district superintendent shall notify the press that the final report has been delivered. The notification shall state the Department of Education website address at which an electronic copy of the report is available.

(l) After receipt of the final report, or if no action plan was required because the district was found to be using the best practices, the district school board shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district school board shall advertise and promote this forum in a manner appropriate to inform parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. The Department of Education and the consultant, if any, shall also be represented at this forum.

(m)(1) If the district is found not to conform to best financial management practices, the report must contain an action plan detailing how the district could meet the best practices within two (2) years. The district school board must develop and approve the implementation schedule within sixty (60) days after receipt of the final report. If a district fails to vote on the action plan within sixty (60) days, the district

superintendent and school board members shall be required to appear and present testimony before the State Board of Education and/or the Legislative Council.

(2) Within sixty (60) days after the receipt of the final report, the district school board must notify the State Board of Education and the Department of Education in writing of the implementation schedule for the action plan. The Department of Education may contact the school district, assess the situation, and offer technical assistance, if needed.

(n) After a district school board votes to implement the action plan:

(1) No later than one (1) year after receipt of the final report, the district school board must submit an initial status report to the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the Legislative Council on progress made toward implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices; and

(2)(A) A second status report must be submitted by the school district to the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the Legislative Council no later than one (1) year after submission of the initial report.

(B) Status reports are not required once the State Board of Education concludes that the district is using best financial management practices and the district is designated a grade category "C" for its financial practices.

(o) After receipt of each of a district's two (2) status reports required by subsection (n) of this section, the Department of Education shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, the Department of Education shall issue a report to the Governor, the State Board of Education, the Division of Legislative Audit, the district, and the Education Committees of the Senate and the House of Representatives indicating whether the district has successfully implemented the best financial management practices. If a district has failed to implement an action plan adopted pursuant to subsection (m) of this section, district school board members and the district school superintendent may be required to appear before the State Board of Education and the Legislative Council to present testimony regarding the district's failure to implement such action plan.

(p) School districts that successfully implement the best financial management practices within two (2) years, or are determined in their review to be using the best practices and are graded a category "A" pursuant to subsection (e) of this section, are eligible to receive a "Seal of Best Financial Management." Upon

notification to the Department of Education and the State Board of Education by the Division of Legislative Audit that a district has been found to be using the best financial management practices, the State Board of Education shall award that district a "Seal of Best Financial Management" certifying that the district is adhering to the state's best financial management practices. The State Board of Education designation shall be effective until a district's financial accountability grade decreases. During the designation period, the district school board shall annually, not later than the anniversary date of the certification, notify the Governor, the State Board of Education, the Division of Legislative Audit, the Department of Education, and the press of any changes in policies or operations or any other situations that would not conform to the state's best financial management practices. The State Board of Education shall revoke the designation of a district school board at any time if it determines that a district is no longer complying with the state's best financial management practices. If no such changes have occurred and the district school board determines that the school district continues to conform to the best financial management practices, the district school board shall annually report that information to the State Board of Education, with copies to the Division of Legislative Audit.

(g)(1) A district school board that has been awarded a "Seal of Best Financial Management" by the State Board of Education and has annually reported to the State Board of Education that the district is still conforming to the best financial management practices may request a waiver from undergoing its next scheduled best financial management practices review so long as its financial accountability grade has not decreased.

(2) To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the district school board shall certify to the Division of Legislative Audit and the Department of Education the district school board's determination that the school district is still conforming to the best financial management practices.

(3) After consultation with the Division of Legislative Audit and review of the district school board's determination, the Department of Education may recommend to the Legislative Council that the district be granted a waiver for the next scheduled best financial management practices review. If approved for waiver, the Department of Education shall notify the school district that no review of that district will be conducted during the next scheduled review cycle. In that event, the district school board must continue annual reporting to the State Board of Education as required in subsection (p) of this section.

(r) District school boards that receive a best financial management practices

review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(s) Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

SECTION 16. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter.

6-15-2201. Postsecondary feedback of information to high schools.

(a) The State Board of Education shall adopt rules that require the Department of Education to report to the State Board of Education, the General Assembly, and the district school boards on the performance of each first-time-in-post-secondary education student from each public high school in this state who is enrolled in a public postsecondary institution or public technical center. Such reports must be based on information databases maintained by the Department of Education. In addition, the public postsecondary educational institutions and technical centers shall provide district school boards access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation.

(b) The Department of Education shall report, by high school, to the State Board of Education and the General Assembly, no later than November 30 of each year, on the number of prior year Arkansas high school graduates who enrolled for the first time in public post-secondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory instruction.

(c) The Department of Education shall organize school summary reports and student-level records by school district and high school in which the postsecondary education students were enrolled and report the information to each school district no later than January 31 of each year.

(d) As a part of the school improvement plan pursuant to § 6-15-2001, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

(e) The Department of Education shall biannually recommend to the General Assembly statutory changes to reduce the incidence of postsecondary remediation

in mathematics, reading, and writing for first-time enrolled recent high school graduates.

SECTION 17. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter:

6-15-2301. Educational planning and information systems — Educational planning.

(a) The Director of Education is responsible for all planning functions for the Department of Education, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between the Department of Education and the Department of Higher Education concerning the planning for career and technical education and adult educational programs. The major emphasis of the system shall be based upon the Adequacy Study as approved by the General Assembly and the Arkansas State Standards developed by the Department of Education and adopted by the State Board of Education. The Department of Education planning and budgeting system must include consideration of student achievement data and financial accountability data obtained pursuant to Title 6, Chapter 15, Subchapter 17, § 6-15-424, and § 6-15-2101.

6-15-2302. Educational planning and information systems — Comprehensive management information systems.

(a) The Department of Education shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the Department of Education and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and

other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the Department of Education and shall include a district subsystem component to be administered at the district level. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so that all data required as input to the state system is made available via electronic transfer and in the appropriate input format.

(b) The specific responsibilities of the Department of Education shall include:

(1) Consulting with school district representatives in the review of the state's management information system for public school education management;

(2) Providing operational definitions for the state's system;

(3) Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

(4) Review and develop standardized terminology and procedures to be followed at all levels of the system;

(5) Review and develop a standard transmittal format to be used for collection of data from the various levels of the system;

(6) Review and develop appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

(7) Review and develop the necessary programs to provide statistical analysis of the integrated data provided in subdivision (b)(6) in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

(8) Review and develop output report formats which will provide district school systems with information for making management decisions at the various educational levels;

(9) Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

(10) Establishing procedures for continuous evaluation of system efficiency and effectiveness;

(11) Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and

reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

(12) Initiating other actions as are necessary to carry out the intent of the General Assembly that a management information system for public school management is essential for school district accountability. Other actions shall be based on criteria including, but not limited to:

(A) The purpose of the reporting requirement;

(C) The date of origin of the reporting requirement; and

(D) The date of repeal of the reporting requirement.

(c) The specific responsibilities of each district school system shall include:

(1) Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings;

(2) With assistance from the Department of Education, developing systems compatibility between the state management information system and unique local systems;

(3) Providing, with the assistance of the Department of Education, in-service training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information;

(4) Establishing a plan for continuous review and evaluation of local management information system needs and procedures;

(5) Advising the Department of Education of all district management information needs;

(6) Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the Department of Education;

(7) Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the Department of Education; and

(8) Being responsible for the accuracy of all data elements transmitted to the Department of Education.

6-15-2303. Educational planning and information systems — Rules.

The State Board of Education shall adopt any rules necessary to implement these sections pursuant to the Arkansas Administrative Procedures Act, § 25-15-201, et seq.

SECTION 18. Arkansas Code Title 6, Chapter 15 is amended to add the following new subchapter:

6-15-2401. Deregulated public schools program - Purpose.

The purpose of the deregulated public schools program shall be to:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving;
- (3) Encourage the use of different and innovative learning methods;
- (4) Increase choice of learning opportunities for students;
- (5) Require the measurement of learning outcomes and create innovative measurement tools;
- (6) Make the school the unit for improvement; and
- (7) Relieve schools of paperwork and procedures that are required by the state and the district school board for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

6-15-2402. Deregulated public schools program - Proposal.

(a) A proposal to be a deregulated school must be developed by the school principal and the parent advisory council. A majority of the members of the parent advisory council must approve the proposal, and the principal and the parent advisory council chair must sign the proposal. At least seventy-five percent (75%) of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within ten (10) calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school

shall be set forth in the proposal. The district school board shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

6-15-2403. Deregulated public schools program — Eligible students.

A deregulated school shall be open to all students residing in the school's attendance boundaries as determined by the district school board and to all students who chose to attend the deregulated school pursuant to the Arkansas Public School Choice Option.

6-15-2404. Deregulated public schools program - Requirements.

Like other public schools, a deregulated public school shall:

(1) Be nonsectarian in its programs, admission policies, employment practices, and operations;

(2) Not charge tuition or fees, except those fees normally charged by other public schools;

(3) Meet all applicable state and local health, safety, and civil rights requirements;

(4) Not violate the antidiscrimination provisions Arkansas law; and

(5) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

6-15-2405. Deregulated public schools program — Elements of the proposal.

(a) The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The proposal shall address, and criteria for approval of the proposal shall be based on:

(1) The school's mission and the students to be served;

(2) The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed;

(3) The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used;

(4)(A) The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school.

(B) Students in deregulated public schools shall, at a minimum, participate in the statewide assessment program;

(5) In secondary schools, a method for determining that a student has satisfied the requirements for graduation as set forth in the rules and regulations

adopted by the Department of Education:

(6) A method for resolving conflicts between the school and the district;

(7) The admissions procedures and dismissal procedures, including the school's code of student conduct;

(8) The ways by which the school's racial and ethnic balance reflects the community it serves or reflects the racial and ethnic range of other public schools in the same school district;

(9) The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow district school board fiscal and administrative policies;

(10) The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage; and

(11) The qualifications to be required of the teachers.

(c) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Department of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

(1) The school's progress toward achieving the goals outlined in its proposal;

(2) The information required in the annual school report pursuant to § 6-15-1701;

(3) Financial records of the school, including revenues and expenditures; and

(4) Salary and benefit levels of school employees.

(d) A district school board shall ensure that the proposal is innovative and consistent with the state education goals established by § 6-15-402(d).

(e) Upon receipt of the annual report required by subsection (c) of this section, the Department of Education shall provide the State Board of Education and the Legislative Council with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the statewide assessment tests, versus comparable public school students in the district as determined by Arkansas Comprehensive Assessment Test and district assessment tests and, as appropriate, and other assessments administered pursuant to § 6-15-424.

6-15-2406. Deregulated public schools program — Exemption from statutes.

(a)(1) A deregulated public school shall operate in accordance with its proposal and shall be exempt from Chapter 15 of the Arkansas Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section.

(2) A deregulated public school shall not be exempt from the following statutes:

(A) Freedom of Information Act, § 25-19-101 et seq., relating to public records; and

(B) Administrative Procedures Act, § 25-15-201 et seq., relating to public meetings and records, public inspection, and penalties.

(3) The school district, upon request of a deregulated public school, may apply to the State Board of Education for a waiver of provisions of law applicable to deregulated public schools under this section, except that the provisions of Title 6, Chapter 20, Subchapter 4 or laws, rules, or regulations relating to school district budgets shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The State Board of Education may grant the waiver if necessary to implement the school program.

(b) A deregulated public school may employ or contract with skilled selected noncertified personnel in an alternative certification program to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in Title 6, Chapter 17, Subchapter 4. A deregulated public school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have met the requirements of Title 6, Chapter 17, Subchapter 4.

6-15-2407. Deregulated public schools program - Revenue.

Students enrolled in a deregulated public school shall be funded in a basic program or a special program in the same manner as students enrolled in other public schools in the school district.

6-15-2408. Deregulated public schools program —Length of school year.

A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

6-15-2409. Deregulated public schools program — Facilities.

A deregulated public school shall utilize facilities which comply with the requirements of state and local law, rules, and regulations relating to school

facilities, or with applicable state minimum building codes and state minimum fire protection codes pursuant to the requirements of state and local law, rules, and regulations relating to school facilities.

SECTION 19. Arkansas Code Title 6, Chapter 18, Subchapter 9 is amended to add the following section.

6-18-902. Student records and reports; rights of parents and students - Notification - Penalty.

(a) The purpose of this section is to protect the rights of students and their parents with respect to student records and reports as created, maintained, and used by public educational institutions in the state. The intent of the General Assembly is that students and their parents shall have rights of access, rights of challenge, and rights of privacy with respect to records and reports, and that rules shall be available for the exercise of these rights.

(b) As used in this section:

(1) "Chief executive officer" means that person, whether elected or appointed, who is responsible for the management and administration of any public educational body or unit, or the chief executive officer's designee for student records; that is, the district school superintendent, the director of an area technical center, the president of a public postsecondary educational institution, or their designees;

(2) "Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended;

(3)(A) "Records" and "reports" mean official records, files, and data directly related to students that are created, maintained, and used by public educational institutions, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system for legitimate educational or research purposes. Materials that shall be considered as part of a student's record include, but are not necessarily limited to:

(i) Identifying data, including a student's social security number;

(ii) Academic work completed, level of achievement records, including grades and standardized achievement test scores;

(iii) Attendance data;

(iv) Scores on standardized intelligence, aptitude, and psychological tests;

(v) Interest inventory results;

(vi) Health data;

(vii) Family background information;

(viii) Teacher or counselor ratings and observations;

(ix) Verified reports of serious or recurrent behavior patterns; and

(x) Any other evidence, knowledge, or information recorded in any medium, including, but not limited to, handwriting, typewriting, print, magnetic tapes, film, microfilm, and microfiche, and maintained and used by an educational agency or institution or by a person acting for such agency or institution.

(B) However, the terms "records" and "reports" do not include:

(i) Records of instructional, supervisory, and administrative personnel, and educational personnel ancillary to those persons, that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a substitute for any of such persons. An example of records of this type is instructor's grade books;

(ii) Records of law enforcement units of the institution that are maintained solely for law enforcement purposes and that are not available to persons other than officials of the institution or law enforcement officials of the same jurisdiction in the exercise of that jurisdiction;

(iii) Records made and maintained by the institution in the normal course of business that relate exclusively to a student in his or her capacity as an employee and that are not available for use for any other purpose;

(iv)(a) Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, that are created, maintained, or used only in connection with the provision of treatment to the student and that are not available to anyone other than persons providing such treatment.

(b) However, such records shall be open to a physician or other appropriate professional of the student's choice;

(v) Directory information as defined in this section;

(vi) Other information, files, or data that do not permit the

personal identification of a student;

(vii) Letters or statements of recommendation or evaluation that were confidential under Arkansas law; and

(viii) Copies of the student's fingerprints.

(C) No public educational institution shall maintain any report or record relative to a student that includes a copy of the student's fingerprints.

(4) "Student" means any child or adult who is enrolled or who has been enrolled in any instructional program or activity conducted under the authority and direction of an institution comprising a part of the state system of public education and with respect to whom an educational institution maintains educational records and reports or personally identifiable information, but does not include a person who has not been in attendance as an enrollee at such institution.

(c) Rights of parent or student. The parent of any student who attends or has attended any public school shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained eighteen (18) years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(1) Right of access.

(A) Such parent or student shall have the right, upon request directed to the appropriate school official, to be provided with a list of the types of records and reports, directly related to students, as maintained by the institution that the student attends or has attended.

(B) Such parent or student shall have the right, upon request, to be shown any record or report relating to such student maintained by any public educational institution. When the record or report includes information on more than one student, the parent or student shall be entitled to receive, or be informed of, only that part of the record or report that pertains to the student who is the subject of the request. Upon a reasonable request therefore, the institution shall furnish such parent or student with an explanation or interpretation of any such record or report.

(C) Copies of any list, record, or report requested under the provisions of this paragraph shall be furnished to the parent or student upon request.

(D) The State Board of Education shall adopt rules to be followed by all public educational institutions in granting requests for lists, or for

access to reports and records or for copies or explanations thereof under this subsection. However, access to any report or record requested under the provisions of subdivision (c)(2) of this section, shall be granted within thirty (30) days after receipt of such request by the institution. Fees may be charged for furnishing any copies of reports or records requested under subdivision (c)(3) of this section, but such fees shall not exceed the actual cost to the institution of producing such copies;

(2) Right of waiver of access to confidential letters or statements. A parent or student shall have the right to waive the right of access to letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

(A) The parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements; and

(B) Such recommendations or evaluations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state.

(3) Right to challenge and hearing. A parent or student shall have the right to challenge the content of any record or report to which such person is granted access under subdivision (c)(1) of this section, in order to ensure that the record or report is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained therein. Any challenge arising under the provisions of this subsection may be settled through informal meetings or discussions between the parent or student and appropriate officials of the educational institution. If the parties at such a meeting agree to make corrections, to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties; and the appropriate school officials shall take the necessary actions to implement the agreement. If the parties cannot reach an agreement, upon the request of either party, a hearing shall be held on such challenge under rules adopted by the State Board of Education. Upon the request of the parent or student, the hearing shall be exempt from the requirements of the Arkansas Administrative Procedures Act, § 25-15-201, et seq. Such rules shall include at least the following provisions:

(A) The hearing shall be conducted within a reasonable period of time following the request for the hearing;

(B) The hearing shall be conducted, and the decision rendered,

by an official of the educational institution or other party who does not have a direct interest in the outcome of the hearing;

(C) The parent or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this subdivision;

(D) The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing; and

(E) The appropriate school officials shall take the necessary actions to implement the decision.

(4) Right of privacy.

(A) Every student shall have a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from the provisions of the Freedom of Information Act, § 25-19-101, et seq. No state or local educational agency, board, or public school shall permit the release of such records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

(i) Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request;

(ii) Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records;

(iii) The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education;

(iv) Other school officials, in connection with a student's application for or receipt of financial aid;

(v) Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in such a manner as will not

permit the personal identification of students and their parents by persons other than representatives of such organizations and if such information will be destroyed when no longer needed for the purpose of conducting such studies;

(vi) Accrediting organizations, in order to carry out their accrediting functions;

(vii) School readiness coalitions and the Early Childhood Commission in order to carry out their assigned duties;

(viii) For use as evidence in student expulsion hearings conducted by a district school board pursuant to the provisions of the Arkansas Administrative Procedures Act, codified at § 25-15-201 et seq.;

(ix) Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals;

(x) The Division of Legislative Audit and the Office of Assessment, Evaluation and Accountability in connection with their official functions. However, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Division of Legislative Audit and the Office of Assessment, Evaluation and Accountability is confidential and exempt from the provisions of the Arkansas Freedom of Information Act, § 25-19-101 et seq. and shall be protected in such a way as will not permit the personal identification of students and their parents by anyone other than the Division of Legislative Audit, the Office of Assessment, Evaluation and Accountability, and their staff, and such personally identifiable data shall be destroyed when no longer needed for the Division of Legislative Audit's and the Office of Assessment, Evaluation and Accountability's official use;

(xi)(a) A court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency;

(b) A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency; or

(xii) Parties to an interagency agreement among the

Division of Youth Services of the Department of Human Services, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

(B) This subdivision does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subdivision (c)(4)(A) of this section, directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information with respect to all students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

(d) Notification. Every parent and student entitled to rights relating to student records and reports under the provisions of subsection (c) of this section shall be notified annually, in writing, of such rights and that the institution has a policy of supporting the law; the types of information and data generally entered in the student records as maintained by the institution; and the procedures to be followed in order to exercise such rights. The notification shall be general in form and in a manner to be determined by the State Board of Education and may be incorporated with other printed materials distributed to students, such as being printed on the back of school assignment forms or report cards for students attending kindergarten or grades one through twelve (1-12) in the public school system and being printed in college catalogs or in other program announcement bulletins for students attending

postsecondary educational institutions.

(e) Penalty. In the event that any public school official or employee, district school board official or employee, technical center official or employee, or public postsecondary educational institution official or employee refuses to comply with any of the provisions of this section, the aggrieved parent or student shall have an immediate right to bring an action in the circuit court to enforce the violated right by injunction. Any aggrieved parent or student who brings such an action and whose rights are vindicated may be awarded attorney's fees and court costs.

(f) Applicability to records of defunct institutions. The provisions of this section also apply to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

SECTION 20. Arkansas Code § 6-15-419 is amended to read as follows:

6-15-419. Definitions.

The following definitions shall apply in this subchapter, unless the context otherwise requires:

(1)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated ~~riterion-referenced~~ assessments.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be annually reviewed and revised to ensure effectiveness and to ensure student demonstration of proficiency in the targeted academic areas on the next state-mandated ~~riterion-referenced~~ assessments.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance where a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated ~~riterion-referenced~~ assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(2) "District improvement plan" means a districtwide plan coordinating the

actions of the various school improvement plans within a district. The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of state-mandated ~~criteria-referenced~~ assessments;

(3) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits which become difficult to change. The goal is to maintain a student's ability to function proficiently at grade level;

(4) "End of course" means an examination taken at the completion of a course of study to determine whether a student demonstrates attainment of the knowledge and skills necessary to mastery of that subject;

(5) "Grade level" means performing at the proficient or advanced level on state-mandated ~~criteria-referenced~~ tests;

(6) "High school" means grades nine through twelve (9-12);

(7) "Middle level" means grades five through eight (5-8);

(8) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

(9) "Primary" means kindergarten through grade four (K-4);

(10)(A)(i) "Remediation" means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated ~~criteria-referenced~~ assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(11) "School improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of state-mandated ~~criteria-referenced~~ assessments; and

(12) "Social promotion" means the passage or promotion from one grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

(13) "Kindergarten through grade twelve (K-12) data warehouse" means a

technology-based tool used to gather, integrate, and store all the information used to track and analyze student performance;

(14) "Longitudinal tracking" means based on scheduled and annual assessments, tracking individual student yearly academic achievement gains;

(15) "Arkansas State Standards" means standards which are approved by the State Board of Education and set the skills to be taught and mastery level for each grade and content area;

(16) "National Assessment of Educational Progress" means the national assessment program mandated by the No Child Left Behind Act, as such laws may be amended from time to time;

(17) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

(18) "Statewide Assessment Standards" means the statewide program of educational assessment implemented pursuant to and described in § 6-15-424;

(19) "Limited English proficient students" means the student has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English;

(20) "English for Speakers of Other Languages program" means that English is not a student's native language and he or she has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English;

(21) "Individual education plan or a Section 504 plan" means that part of federal legislation which eliminates impediments to full participation by persons with disabilities and which is intended to prevent intentional or unintentional discrimination against persons with disabilities, persons who are believed to have disabilities, or family members with disabilities;

(22) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams, such as the ACT;

(23) "Arkansas Comprehensive Assessment Test" or "Arkansas Comprehensive Assessment Test" means a nationally normed reference test that is augmented to include a measurement of proficiency with respect to Arkansas State Standards;

(24) "Value added measurements" means the statistical gain a student makes from one year to the next, based on the same series assessment, against the

national student group which most closely matches his or her demographics and achievement level, to determine if he or she is making adequate yearly progress.

(25) "Adequate yearly progress" means the standards to be developed by the Arkansas Department of Education and approved by the United States Department of Education in compliance with No Child Left Behind Act, which must specify annual objectives to measure progress of schools and districts to ensure that all groups of students, including low-income students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, reach proficiency within twelve (12) years; must include intermediate goals that provide for annual adequate yearly progress targets, with the first increase to occur no later than 2004-05; and schools must test at least ninety-five percent (95%) of their students in each of the above groups.

(26) "Annual learning gains" or "student learning gains" means calculating a student's learning gains from one year to the next, based on a same series assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(27) "Board of Control for Southern Regional Education" means the entity identified in the Southern Regional Education Compact, § 6-4-101, et seq.

(28) "Parent Advisory Council" means the entities established under Title 6, Chapter 13, Subchapter 17;

(29) "Reconstitution" means removing school district or school faculty, staff, administration, and, if appropriate, school board members, and replacing them; and

(30) "Parent" means a parent, legal guardian, or legal representative, as appropriate, of a student.

SECTION 21. Arkansas Code Title 6, Chapter 13 is amended to add the following new subchapter:

6-13-1701. Parent advisory council – Establishment.

Each school shall establish a Parent Advisory Council based on the following tenets:

(1) A student's education is a responsibility shared by the school and family during the entire time that he or she spends in school;

(2) Schools and parents must work as knowledgeable partners in order to support the goal of the schools to educate all students effectively;

(3) Parents are integral components of a school's ability to provide for the educational success of students, although parents and students are diverse in culture, language, and needs;

(4) The engagement of parents is essential to improve student achievement; and

(5) Schools should foster a safe and secure environment that supports active parental involvement.

6-13-1602. Parent advisory council – Membership.

The Parent Advisory Council shall consist of the school principal and no fewer than six (6) parents or legal guardian, representative of the grade levels, race, gender, and socio-economic status of the school's population. No parent or legal guardian representative on the Parent Advisory Council may be an employee of that school. Each school shall establish policies regarding individual members' length of service on the council and filling vacancies. Membership on the council shall be by nomination from the school principal and that school's organized parent group. The school district board of directors will confirm nominations.

16-13-1603. Parent advisory council – Meetings.

The Parent Advisory Council shall be convened at least quarterly during the school year.

16-13-1604. Parent advisory council – Roles and responsibilities.

The Parent Advisory Council shall recognize the principal as the chief academic and operational officer of the school. It also shall:

(1) Annually review the school improvement plan including the disaggregation of achievement data from each tested grade or course in the school as well as the performance of the various student subgroups;

(2) Annually review the school's report card including the narrative of yearly progress based on current state and federal requirements;

(3) Make recommendations encouraging regular, two-way meaningful communication with parents and legal guardians such as publishing the school's process for resolving parental concerns, including whom to approach first and how to develop solutions;

(4) Make recommendations regarding the school's parental involvement program, including activities such as sponsoring seminars to inform parents or legal guardians of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities, as well as other activities to promote parent participation;

(5) Provide input into the development of parental involvement activities as required in the School Improvement Plan;

(6) Make recommendations regarding appropriate professional development activities to be included as part of the required professional development for teachers and administrators. These professional activities shall enhance the understanding of effective parent involvement; and

(7) Make recommendations regarding the school's collaboration with community organizations for the purpose of enhancing student achievement.

16-13-1605. Parent advisory council – School roles and responsibilities.

(a) With input from the Parent Advisory Council, each school shall develop a written parent involvement policy to encourage parents or legal guardians to participate as full partners in the decisions that affect his or her child and family. The policy shall be distributed to all parents or guardians of students in that school.

(b) Each school shall annually disseminate through multi-media an explanation of the appropriate state or federal accreditation standards, curriculum standards, and assessment and accountability requirements. The school shall also report how the school complies with those established standards and requirements.

16-13-1606. Parent Advisory Council – Monitoring.

The organization of the Parent Advisory Council and its required activities shall be monitored by the Department of Education during the official scheduled compliance review of the school.

SECTION 21. Arkansas Code § 6-20-1601 through 6-20-1610 are repealed.

~~6-20-1601. Purpose.~~

~~The purpose of this subchapter shall be to improve the capacity of local school districts whose students are not achieving at academically desired levels and local school districts in fiscal distress through targeted assistance coordinated by the Department of Education.~~

~~6-20-1602. Definitions.~~

~~(a) For purposes of this subchapter, a "school district in academic distress" shall mean any school district whose students do not score at levels established by the Department of Education on:~~

- ~~(1) The Arkansas Writing Assessment;~~
- ~~(2) The Stanford 8 Achievement Test;~~
- ~~(3) The exit examination administered by the department; or~~
- ~~(4) Any other test approved by the department.~~

~~(b) For purposes of this subchapter, a "school district in fiscal distress" shall mean any school district that:~~

- ~~(1) Has a steadily declining balance;~~
- ~~(2) Has not complied with the audit requirements in § 6-20-301 et seq.;~~
- ~~(3) Has failed to comply with a statute that automatically places the school district in fiscal distress; or~~
- ~~(4) Has any other fiscal condition deemed to have a detrimental negative impact on continuation of educational services. All of these determinations~~

~~for fiscal distress except for subdivision (b)(3) of this section shall be as defined by the department through rules and regulations promulgated by the State Board of Education.~~

~~6-20-1603. Rules and regulations – State Board of Education.~~

~~(a) By March 1, 1996, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating, assisting, and addressing school districts in fiscal or academic distress.~~

~~(b)(1) The state board shall further promulgate rules and regulations by which a school district shall be classified as a Phase I, Phase II, or Phase III district and by which a local school board may appeal to the state board any ruling by the Department of Education that is relative to classification under this subchapter.~~

~~(2) An appeal shall be made within thirty (30) days of the ruling, and the state board shall act on the appeal within sixty (60) days.~~

~~6-20-1604. Rules and regulations – Department of Education.~~

~~The Department of Education is hereby authorized to develop indicators of fiscal distress and academic distress in school districts and to promulgate the necessary rules and regulations so that the Director of the Department of Education shall provide technical assistance to school districts determined by the director to be in fiscal or academic distress and shall ensure, to the extent possible, that a fiscal crisis or an academic crisis will not interrupt the educational services provided to the students of a school district.~~

~~6-20-1605. Identification of districts in distress.~~

~~Prior to the beginning of the 1996-1997 school year and each school year thereafter, the Department of Education shall identify all school districts that are in academic or fiscal distress and shall further document any school districts that meet the criteria for academic or fiscal distress but which, after investigation, the department determines are not in academic or fiscal distress.~~

~~6-20-1606. School improvement plan.~~

~~(a) Those school districts identified by the Department of Education as being in academic or fiscal distress shall be classified as Phase I school districts.~~

~~(b)(1)(A) A district classified as a Phase I school district shall develop and file with the department a school improvement plan to address any areas in which the school district is experiencing academic or fiscal distress as identified by the department.~~

~~(B) If a district does not file a school improvement plan with the department, the district shall be immediately classified as a Phase II school district.~~

~~(2) The department shall provide technical assistance to any district classified as a Phase I district.~~

~~(A) The department shall monitor the progress of school districts in Phase I.~~

~~(B) Districts that are implementing school improvement plans shall continue to be classified as Phase I school districts for the remainder of the school year.~~

~~(C) If the department determines that a district is not implementing its school improvement plan according to department regulations, the district shall be immediately classified as a Phase II school district.~~

~~6-20-1607. Classification of school districts in distress.~~

~~(a)(1) During the 1997-1998 school year and each school year thereafter, the Department of Education shall determine which school districts shall be classified as Phase I districts or Phase II districts.~~

~~(2) A school district may be classified a Phase I district for more than one (1) year.~~

~~(b) No Phase I or Phase II district shall incur additional debt without the approval of the department.~~

~~(c)(1) During the 1997-1998 school year and each school year thereafter, only those districts classified as Phase II districts by the Director of the Department of Education shall be required to receive on-site technical assistance by a team of educators assigned by the department to work directly with the districts.~~

~~(2) During the first six (6) months of the school year in which a district is classified as a Phase II district, the department team shall evaluate and make recommendations to the district superintendent regarding the staffing of the district and concerning fiscal or academic policies or practices of the district if necessary to address the fiscal or academic distress of the district as defined by the department.~~

~~(3)(A) The recommendations of the department shall be binding on the district, the superintendent, and the school board; provided, however, that it shall be the duty of the district to follow all Arkansas laws.~~

~~(B) A district classified as a Phase II school district that fails to follow recommendations of the department shall be immediately classified as a Phase III school district.~~

~~(d) At the conclusion of the 1997-98 school year, and each year thereafter, the department shall report the progress of all districts classified as Phase II school districts to the State Board of Education.~~

~~6-20-1608. Limitation on Department of Education's authority.~~

~~The Department of Education shall not take over the operation of a Phase I or Phase II school district.~~

~~6-20-1609. Phase III school districts.~~

~~(a) Those school districts that do not meet the Department of Education's criteria for repeating procedures set forth for Phase II and those districts that did not follow the recommendations of the department for Phase II school districts shall be classified as Phase III school districts.~~

~~(b) During the 1998-1999 school year and each year thereafter until the school district is no longer classified as a Phase III district, the department shall have the following authority in dealing with any district classified as a Phase III school district:~~

~~(1) To require the superintendent to relinquish all authority with respect to the district, to appoint an individual to operate the district under the supervision of the Director of the Department of Education, and to compensate non-department employees for operating the district using the salary formerly given to the district superintendent;~~

~~(2) To have all the powers and duties of the local school board under § 6-13-620;~~

~~(3) To determine that it is in the best interests of the students in the district to continue operation of the district or that annexation to an adjacent district or districts is necessary;~~

~~(4) To call for the election of a new school board for the district, in which case the district shall reimburse the county board of election commissioners for election costs as otherwise required by law;~~

~~(5) To allow the district to operate without a local school board under the supervision of the local school district administration;~~

~~(6) To turn the administration of the district over to the former board or to a newly elected school board; and~~

~~(7) To waive the application of Arkansas law, with the exception of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and regulations.~~

~~6-20-1610. Annexation - Appeals.~~

~~(a) If it is in the best interests of students in a district classified as a Phase III school district to be annexed to another district or districts, as determined by the Department of Education, the department shall hold a public hearing to discuss the annexation of the district.~~

~~(b) After the public hearing, the State Board of Education may annex the district to another district or districts upon a majority vote of the members of the state board.~~

~~(c) If the state board annexes the district, the state board shall have~~

~~exclusive authority to determine the boundary lines of the new district or districts and to allocate the assets and liabilities of the district.~~

~~(d) Any district that appeals the decision of the state board in regard to annexation shall file the appeal in Pulaski County Circuit Court. Jurisdiction and venue shall not lie in any other court or the circuit court in the county where the administrative office of the district is located.~~

SECTION 23. Arkansas Code § 6-20-1802 is amended to read as follows:

6-20-1802. ~~Fiscal distress~~ Non-Compliance for failure to file.

(a) Any school district failing to file an audit report required by § 6-20-1801 within the eighteen-month time period shall automatically be considered by the Department of Education to be in ~~fiscal distress~~ non-compliance and mandated consequences of § 6-15-1901 shall be enforced.

(b) By January 31 of each year, the department, by certified mail, shall notify school districts failing to file required audit reports that the school district is considered in ~~fiscal distress~~ non-compliance.

SECTION 24. Effective Date.

Unless otherwise provided herein, this act shall be come effective on July 1, 2004.

SECTION 25. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) has declared the now extent system of education to be unconstitutional because it is both inequitable and inadequate; that the Arkansas Supreme Court has set forth the test for a constitutional system to be one in which the State has an "absolute duty" to provide and "equal opportunity to an adequate education"; that the Arkansas Supreme Court has instructed the General Assembly to define and provide what is necessary to provide an adequate and equitable education for the children of Arkansas, forthwith. 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/ Horace Hardwick

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative House unanimous leave to withdraw
HOUSE BILL NO. 2707.

ENGROSSED BILL REPORTS

HERSCHEL W. CLEVELAND, CHAIRMAN

April 7, 2003

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1228 BY REPRESENTATIVE R. SMITH
 HOUSE BILL NO. 1309 BY REPRESENTATIVE LENDALL
 HOUSE BILL NO. 1481 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1978 BY REPRESENTATIVE KEY
 HOUSE BILL NO. 2203 BY REPRESENTATIVE LENDALL
 HOUSE BILL NO. 2222 - TITLE - BY REPRESENTATIVE NAPPER
 HOUSE BILL NO. 2337 BY REPRESENTATIVE EASON, ET AL
 HOUSE BILL NO. 2385 BY REPRESENTATIVE MEDLEY
 HOUSE BILL NO. 2386 BY REPRESENTATIVE MEDLEY, ET AL
 HOUSE BILL NO. 2395 BY REPRESENTATIVE HATHORN
 HOUSE BILL NO. 2409 BY REPRESENTATIVE STOVALL
 HOUSE BILL NO. 2435 - TITLE - BY REPRESENTATIVE LAMOUREUX
 HOUSE BILL NO. 2438 BY REPRESENTATIVE STOVALL
 HOUSE BILL NO. 2441 BY REPRESENTATIVE STOVALL
 HOUSE BILL NO. 2495 - TITLE - BY REPRESENTATIVE LENDALL
 HOUSE BILL NO. 2497 BY REPRESENTATIVE LENDALL
 HOUSE BILL NO. 2528 - TITLE - BY REPRESENTATIVE HARDWICK, ET AL
 HOUSE BILL NO. 2568 BY REPRESENTATIVE WHITE
 HOUSE BILL NO. 2596 - TITLE - BY REPRESENTATIVE PRITCHARD
 HOUSE BILL NO. 2601 BY REPRESENTATIVE PRITCHARD
 HOUSE BILL NO. 2631 - TITLE - BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 2681 BY REPRESENTATIVE MAHONY
 HOUSE BILL NO. 2697 BY REPRESENTATIVE GREEN
 HOUSE BILL NO. 2716 BY REPRESENTATIVE ROSENBAUM
 HOUSE BILL NO. 2853 BY REPRESENTATIVE MARTIN
 HOUSE BILL NO. 2878 BY REPRESENTATIVE HARDWICK
 SENATE BILL NO. 115 BY REPRESENTATIVE J. JEFFRESS, ET AL
 SENATE BILL NO. 242 - TITLE - BY SENATOR ARGUE
 SENATE BILL NO. 275 BY SENATOR GLOVER, ET AL
 SENATE BILL NO. 751 BY SENATOR WILKINS
 SENATE BILL NO. 948 - TITLE - BY SENATOR HOLT

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2222

BY: REPRESENTATIVE *NAPPER*

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND TITLE 23, CHAPTER 88, SUBCHAPTER 1, TO ADD AN ADDITIONAL SECTION CONCERNING FIRE PROTECTION RATINGS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2435

BY: REPRESENTATIVE *LAMOUREUX*

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO AMEND THE ARKANSAS TELECOMMUNICATIONS REGULATORY REFORM ACT OF 1997; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2495

BY: REPRESENTATIVE *LENDALL*

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENTS AND STATE AGENCIES TO INCORPORATE MACHINE READABLE PRIVACY POLICES INTO THEIR WEBSITES; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2528

BY: REPRESENTATIVES HARDWICK, *BIGGS*, *ANDERSON*, *KEY*, *PARKS*,
BLED SOE, *MATAYO*, *KENNEY*, *HOUSE*, *HUTCHINSON*, *HARRIS*, *MARTIN*,
BORHAUER, *L. EVANS*, *AGEE*, *ROSENBAUM*, *R. SMITH*, *PACE*, *SULLIVAN*,
BERRY, *SCHULTE*, *BRIGHT*, *CREEKMORE*, *HATHORN*, *WALTERS*
BY: *SENATORS GULLETT*, *J. JEFFRESS*, *G. JEFFRESS*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE SYSTEM OF TESTING FOR ARKANSAS STUDENTS; TO ESTABLISH A PROGRAM OF SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY FOR STUDENT PERFORMANCE AND ESTABLISH A SYSTEM OF REWARDS AND SANCTIONS BASED THEREON; TO GIVE STUDENTS ATTENDING UNDERPERFORMING SCHOOL CERTAIN CHOICES, KNOWN AS THE ARKANSAS PUBLIC SCHOOL CHOICE OPTION; TO ESTABLISH A FINANCIAL MANAGEMENT PRACTICES SYSTEM FOR ARKANSAS SCHOOL DISTRICTS; TO ESTABLISH WITHIN THE DEPARTMENT OF EDUCATION AN INTEGRATED INFORMATION SYSTEM FOR EDUCATIONAL MANAGEMENT; TO ESTABLISH CERTAIN PRIVACY RIGHTS OF STUDENTS AND THEIR PARENTS TO CERTAIN STUDENT RECORDS; FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2596

BY: REPRESENTATIVE PRITCHARD

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2631

BY: REPRESENTATIVE MAHONY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTE PAPER BY TWENTY-FIVE CENTS (25¢) PER PACKAGE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2697

BY: REPRESENTATIVE GREEN

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO CREATE THE OMNIBUS QUALITY EDUCATION ACT OF 2003; TO ESTABLISH A COMPREHENSIVE SYSTEM OF EDUCATIONAL ACCOUNTABILITY TO ENFORCE THE ARKANSAS STANDARDS OF ACCREDITATION; THE ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT AND ACCOUNTABILITY PROGRAM, THE NO CHILD LEFT BEHIND ACT OF 2001; THE ARKANSAS ACADEMIC DISTRESS PROGRAM; THE ARKANSAS FISCAL DISTRESS ASSESSMENT AND ACCOUNTABILITY PROGRAM; AND FOR OTHER PURPOSES.*

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 242

BY: SENATOR ARGUE

BY: REPRESENTATIVE WHITE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE ALL SCHOOL DISTRICTS TO PARTICIPATE IN PUBLIC SCHOOL CHOICE; AND FOR OTHER PURPOSES.

SENATE BILL ENGROSSED AS TITLE AMENDED
SENATE BILL NO. 948

BY: SENATOR HOLT

BY: REPRESENTATIVES BRADFORD, JACKSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE POLITICAL PARTIES TO REPORT MONEYS RECEIVED AND DISBURSED; AND FOR OTHER PURPOSES.

Upon motion of Representative Medley, HOUSE BILL NO. 2386 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2386

Amend HOUSE BILL NO. 2386 as engrossed, H3/19/03:

Page 1, line 29 delete "five (5)" and substitute "twenty (20)"

AND

Page 1, line 31, delete "award" and substitute "award."

AND

Page 1, delete line 32 and substitute the following:

"laws of the State of Arkansas, and funds are available."

AND

Page 1, line 33 delete "(c)(1)" and substitute "(c)"

AND

Page 2, delete lines 1 through 4.

AND

Page 2, line 5 delete "(d)(1)" and substitute "(d)"

AND

Page 2, delete lines 7 through 10.

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Martin, **HOUSE BILL NO. 2853** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2853

Amend **HOUSE BILL NO. 2853** as originally introduced:

Delete Section 1. of the bill and substitute a new section of the bill to read as follows:

“SECTION 1. Arkansas Code § 12-10-318(b), concerning the imposition of service charges for 911 telephone service, is amended to read as follows:

(b)(1)(A) There is hereby levied a commercial mobile radio service emergency telephone service charge in an amount of fifty cents (.50) per month per commercial mobile radio service connection that has a billing address within the State of Arkansas or with respect to which the mobile identification number for the commercial mobile radio service connection contains an area code assigned to Arkansas by the North American Numbering Plan Administrator.

(B)(i) After September 1, 2003, when authorized by a majority of persons voting within a political subdivision in accordance with the law, the governing authority of that political subdivision may levy an additional commercial mobile radio service emergency telephone service charge in an amount up to thirty cents (30¢) per month per commercial mobile radio service connection that has a billing address within the political subdivision.

(ii) The commercial mobile radio service provider may add any amounts approved by the voters and implemented under this subdivision (b)(1)(B) to the fifty cents (50¢) levied in subdivision (b)(1)(A) of this section so that the commercial mobile radio service emergency telephone service charges appear as a single line item on a subscriber's bill.

~~(B)(C)~~ The fees collected by commercial mobile radio service providers under subdivisions (b)(1)(A) and (b)(1)(B) shall be remitted to the CMRS Emergency Telephone Services Board ~~described in subdivision (b)(2) of this section~~ within sixty (60) days after the end of the month in which the fees are collected.

~~(C)(D)~~ The funds collected pursuant to this subdivision (b)(1) shall not be deemed revenues of the state and shall not be subject to appropriation by the General Assembly.

~~(D)(E)~~ The fee levied in subdivision (b)(1)(A) and any additional amounts approved by the voters and implemented under subdivision (b)(1)(B) of this section and collected by commercial mobile radio service providers who provide mobile telecommunications services, as defined by the Mobile Telecommunications Sourcing Act, Pub.L. 106-252, as in effect on January 1, 2001, shall be collected pursuant to the Mobile Telecommunications Sourcing Act.

(2) There is hereby established the CMRS Emergency Telephone Services Board consisting of the following: the Auditor of State or his designated representative, two (2) representatives selected by a majority of the commercial mobile radio service providers licensed to do business in the state, and two (2) 911 system employees selected by a majority of the public safety answering point administrators in the state. The responsibilities of the board shall be as follows:

(A) Establish and maintain an interest-bearing account in which will be deposited revenues from the service charge ~~charges~~ levied on commercial mobile radio service connections under subdivision (b)(1); and

(B) Manage and disburse any commercial mobile radio service emergency telephone service charge approved by the voters and implemented under subdivision (b)(1)(B) of this section to the political subdivision having levied the emergency telephone service charge for its use in operating a 911 public safety communications center consistent with the authorized expenditures of revenues for the provision of 911 services under § 12-10-323.

~~(B)(C)~~ Manage and disburse the funds from the account levied under subdivision (b)(1)(A) of this section in the following manner:

(i) Not more than thirty-eight percent (38%) of the total monthly revenues collected under subdivision (b)(1)(A) of this section shall be distributed on a population basis to each political subdivision operating a 911 public safety communications center which has the capability of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines for expenses incurred for the answering, routing, and proper disposition of commercial mobile radio service 911 calls;

(ii) Not less than fifty-eight percent (58%) of the total monthly revenues collected under subdivision (b)(1)(A) of this section shall be held in the interest-bearing account solely for the purposes of complying with applicable requirements of Federal Communications Commission docket # 94-102. These funds may be utilized by the public safety answering points and the commercial mobile radio service providers licensed to do business in Arkansas for the following purposes in connection with compliance with the Federal Communications Commission requirements: upgrading, purchasing, programming and installing necessary data, hardware, and software, including any network elements required to supply enhanced 911 phase II. Invoices must be presented to the board in connection with any request for reimbursement and be approved by a majority vote of the board to receive reimbursement. Any invoices presented to the board for reimbursements of costs not described by this section may be approved only by a unanimous vote of the board. In no event shall any invoice be reimbursed for costs

not related to compliance with applicable requirements of Federal Communications Commission docket # 94-102;

~~(iii) Submit annual reports to the office of the Auditor of State outlining fees collected and moneys disbursed to public safety answering points and commercial mobile radio service providers;~~

~~(iv) Retain an independent, third party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any proprietary information submitted to the board by commercial mobile radio service providers. Due to the confidential and proprietary nature of the information submitted by commercial mobile radio service providers, the information shall be retained by the independent auditor in confidence, be subject to review only by the Auditor of State and shall not be subject to the state Freedom of Information Act of 1967, § 25-19-101 et seq., nor released to any third party. The information collected by the auditor shall only be released in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual commercial mobile radio service provider; and~~

~~(v) Conduct a cost study on or before August 31, 1998, to be submitted to the Legislative Council for the purpose of determining whether legislation should be proposed to adjust the commercial mobile radio service emergency telephone service charge to reflect actual costs to be incurred by public safety answering points and commercial mobile radio service providers for compliance with applicable requirements of Federal Communications Commission docket # 94-102;~~

~~(vi)(iii)~~ Up to three percent (3%) of the fees collected under subdivision (b)(1)(A) of this section may be utilized by the board to compensate the independent auditor and for administrative expenses;

~~(vii)(iv)~~ All interest received on funds in the interest-bearing account required in ~~subdivision (b)(2)(A) of this section~~ shall be disbursed as prescribed in subdivision ~~(b)(2)(B)(i)~~ (b)(2)(C)(i) of this section;.

~~(viii)(D)~~ The board shall promulgate regulations necessary to perform its duties prescribed by this subchapter. In determining the population basis for distribution of funds under subdivision ~~(b)(2)(B)(i)~~ (b)(2)(C)(i) of this section, the board shall determine, based on the latest federal census, the population of all unincorporated areas of counties operating a 911 public safety communications center which has the capacity of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines and the population of all incorporated areas operating a 911 public safety communications center which has the capability of receiving commercial mobile radio service 911 calls on dedicated 911 trunk lines and compare

the population of each of those political subdivisions to the total population;

(E) Submit annual reports to the office of the Auditor of State outlining fees collected and moneys disbursed to public safety answering points and commercial mobile radio service providers under subdivisions (b)(1)(A) and (b)(1)(B) of this section;

(F) Retain an independent, third-party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any proprietary information submitted to the board by commercial mobile radio service providers. Due to the confidential and proprietary nature of the information submitted by commercial mobile radio service providers, the information shall be retained by the independent auditor in confidence, shall be subject to review only by the Auditor of State, and shall not be subject to the state Freedom of Information Act, nor released to any third party. The information collected by the independent auditor shall be released only in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual commercial mobile radio service provider; and

(G) Conduct a cost study on or before August 31, 2004, to be submitted to the Arkansas Legislative Council for the purpose of determining whether legislation should be proposed to adjust the commercial mobile radio service emergency service charges to reflect the actual and reasonable costs to be appropriately incurred by public safety answering points and commercial mobile radio service providers for compliance with applicable requirements of the Federal Communications Commission docket # 94-102.

(3) Commercial mobile radio service providers shall be entitled to retain one percent (1%) of the fees collected under subdivision (b)(1)(A) of this section as reimbursement for collection and handling of the ~~charge~~ charges.

(4)(A) Notwithstanding any other provision of the law, in no event shall any commercial mobile radio service provider, its officers, employees, assigns, or agents, be liable for civil damages or criminal liability in connection with the development, design, installation, operation, maintenance, performance, or provision of 911 service.

(B) Nor shall any commercial mobile radio service provider, its officers, employees, assigns, or agents be liable for civil damages or criminal liability in connection with the release of subscriber information to any governmental entity as required under the provisions of this subchapter.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that existing CMRS emergency telephone service charges collected are insufficient to allow some political

subdivisions serving as default public safety answering points or experiencing high volumes of commuter traffic to recover their costs incurred in properly answering 911 emergency calls and that this act is immediately necessary to ensure adequate 911 emergency service continues to be provided. 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/ Jay Martin

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Roebuck, **SENATE BILL NO. 751** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO SENATE BILL NO. 751

Amend **SENATE BILL NO. 751** as engrossed, S3/20/03:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 10-3-402 is amended to read as follows:

10-3-402. Purpose.

(a) It is determined that adequate information is not available at each biennial session of the General Assembly through which the members of the General Assembly may determine the needs and legislative requirements of the various ~~agencies and departments of the state government~~ entities of the state and political subdivisions of the state and that the impartial periodic auditing of ~~each agency and department~~ any entity or political subdivision of the state will provide information which will facilitate the discharge by the General Assembly of its legislative responsibilities ~~in respect to each agency and department~~.

(b) ~~It is further determined that the sixty day legislative session is not adequate time in which to audit each agency and department of the state government and that the size and scope of state governmental activity has grown to such an extent in recent years that auditing should be a continuing process~~ Due to time restraints and the size, complexity, and scope of the entities of the state and its political subdivisions, it is determined that the sixty-day legislative session is not adequate time in which to audit entities of the state and political subdivisions of the state, or affiliates thereof.

(c) It is further determined that the Legislative Joint Auditing Committee shall exist and operate as a joint interim committee of the General Assembly and in such capacity shall serve the General Assembly as the proper agency to provide for the impartial auditing, independently of the ~~executive branch of state government, of each office, department, institution, board, commission, and agency of state government~~ entities of the state and political subdivisions of the state.

(d) It is not the intent of this act, nor shall this act be construed, to infringe upon or deprive the executive or judicial branches of state government or its political subdivisions of any rights, powers, or duties vested in or imposed upon them by the Constitution of Arkansas.

(e) It is the intent of this act merely to provide the General Assembly with adequate information which will facilitate the exercise by it of its constitutional powers and none other.

(f) For the purposes of this subchapter:

(1) "Affiliate" means any nonprofit or other entity whose exclusive or primary purpose or function is to directly or indirectly benefit or assist an entity of the state or a political subdivision of the state, and meets the following criteria:

(A) The economic resources received or held by the affiliate are entirely or almost entirely for the direct benefit of the entity or political subdivision of the state, its component units, or its constituents, or

(B) The entity or political subdivision of the state or its component units is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the affiliate organization;

(2) "Audit" means an audit, review, report of agreed upon procedures, compilation, examination, investigation, or other report or procedure approved by the Legislative Joint Auditing Committee for an entity;

(3) "Entity of the state" means the state as a whole or any official, office, employee, department, institution of higher education, board, commission, or agency of the state, or function thereof;

(4) "Non-affiliate" means any entity receiving, disbursing, or handling public grants or funds; and

(5) "Political subdivision of the state" means any county, municipality, public school district, educational cooperative, quasigovernmental entity, any employee or official thereof, or any function thereof.

(g) As used in (f)(1)(B) of this section, "the ability to otherwise access" means:

(1) The affiliate honors requests to provide resources to the primary government;

(2) Historically, the governmental unit has received, directly or indirectly, a majority of the economic resources provided by the affiliate; or

(3) The affiliate and an entity or political subdivision of the state are financially interrelated by:

(A) The affiliate having the ability to influence the operating and financial decisions of the governmental entity; or

(B) The governmental entity having an ongoing economic interest in the net assets of the affiliate.

SECTION 2. Arkansas Code § 10-3-403(a)(3) is amended to read as follows:

(3) The Speaker of the House, the President Pro Tempore of the Senate, the immediate ~~past chair or~~ past co-chairs of the Committee, and the ~~co-chair~~ co-chairs and co-vice chairs of the Legislative Council shall be ex officio members of the Committee and shall enjoy all the rights and privileges of other members of the Committee.

SECTION 3. Arkansas Code § 10-3-406(b) is amended to read as follows:

(b)(1)(A) Meetings of the committee during the legislative session shall be called by either cochair of the committee who shall be the person who served in the capacity prior to the commencement of the current General Assembly.

(B) In such meetings, the primary consideration should be given to matters that require immediate attention and that cannot wait until the new committee is appointed and organized.

(2) If House and Senate members have selected their respective cochair for the subsequent biennial period, either new cochair may call a meeting of the committee during or after legislative sessions.

SECTION 4. Arkansas Code § 10-3-407(a) is amended to read as follows:

(a)(1) The duties of the Legislative Joint Auditing Committee shall be to provide for the auditing of ~~each department, institution, board, commission, office, and agency of the state government~~ any entity of the state or political subdivision of the state for the purpose of furnishing the General Assembly with information vital to the discharge of its constitutional duties.

(2) In addition, the Legislative Joint Auditing Committee has the authority to audit the books and records of affiliates and to audit transactions relating to public funds received, handled, or disbursed by non-affiliates.

SECTION 5. Arkansas Code §§ 10-3-410 and 10-3-411 are amended to read as follows:

10-3-410. Abolishment or consolidation of agencies.

The Legislative Joint Auditing Committee is authorized to recommend to the General Assembly the abolishment or consolidation of any ~~state agencies, boards, or commissions~~ entity of the state or political subdivision of the state which the Committee deems appropriate as a result of its review of audits performed by its staff ~~on the agencies, boards, or commissions~~.

10-3-411. Investigation of state or local entities - Subpoenas - Contempt.

(a)(1) The Legislative Joint Auditing Committee shall have the authority to conduct investigations pertaining to the ~~financial~~ affairs of any ~~state agency, institution, department, board, commission, or office, or pertaining to the operation of any county, city, town, or school district, or any agency or instrumentality thereof~~ entity of the state, political subdivision of the state, or affiliates thereof, whenever the Committee shall determine that investigations are necessary to make a proper determination with respect to the ~~financial~~ operations thereof, or of the collection, handling, administration, or expenditure of any ~~public funds allocated thereto~~ received, handled, or disbursed thereby.

(2) In connection with investigations regarding any entity of the state,

political subdivisions of the state, or affiliates thereof, or regarding transactions relating to public funds received, handled, or disbursed by non-affiliates, the Legislative Joint Auditing Committee has the authority to examine any or all books, records, or any other data or systems relative to the investigation, irrespective by whom holds the records or where the records are located.

(b) In connection with any investigations, the Committee shall have the right and power to subpoena witnesses and to issue subpoenas duces tecum.

(c) All subpoenas shall be issued by either cochair of the committee, or by either co-vice chair acting in the absence of the cochair, after the issuance thereof has been approved by a majority vote of the membership of the committee at a duly called meeting with all members of the committee having received no fewer than six (6) days' advance notice thereof.

~~(d) The reasons for, and purposes of, the proposed subpoena or subpoenas, including the names of the persons or the nature and identification of all books, records, and documents for which subpoenas are being considered, shall be furnished in writing to the members of the Committee in the notice mailed to the members not less than six (6) days in advance of the meeting at which the question of issuing the subpoenas is to be considered. No subpoenas shall be issued under the provisions of this section until such time as any individual or the individual holding the books, records, or documents sought by the Committee has received a formal written invitation to appear before the Committee by certified registered mail, at least thirty (30) days prior to a regular or special meeting of the Legislative Joint Auditing Committee and that individual has failed or refused to appear before the Committee at such meeting.~~

~~(e)~~(d) The cochairs and the co-vice chairs of the committee are authorized to administer oaths.

~~(f)~~(e)(1) Subpoenas issued by the Committee shall be served by the sheriff of the county in which the person, books, records, or documents subpoenaed are located, and the sheriff shall be entitled to the same fees for the service of process as provided by law for service of process issued by the circuit court.

(2) However, the Committee may, at its option, direct the Arkansas State Police to serve any subpoena.

~~(g)~~(f) Witnesses subpoenaed to appear before the Committee shall be entitled to witness fees and travel allowances at the same rate as provided by law for witnesses subpoenaed to appear in civil actions in circuit court.

~~(h)~~(g) The fees for the serving of subpoenas and all witness fees and travel allowances shall be paid from funds appropriated for the maintenance and operation of the Legislative Joint Auditing Committee.

(h)(1) It is a Class D felony for any person subpoenaed by the Legislative Joint Auditing Committee to knowingly fail or refuse to appear and testify or submit papers, files, and records material and pertinent to the examination.

(2) It is a Class D felony for any person to knowingly give any false testimony before the Legislative Joint Auditing Committee.

~~(i) If any person subpoenaed to appear before the Committee shall fail to appear or to produce books, documents, or records subpoenaed by the Committee, the fact shall be certified to the circuit court of the county in which the hearing is held, and the circuit court shall punish the person for contempt of the General Assembly, in the same manner as punishment for contempt is imposed for failure to respond to a subpoena or directive of the circuit court.~~

~~(j)(1)(i)(1)(A) It is the intent of this section to authorize the Legislative Joint Auditing Committee to issue subpoenas and to compel the attendance of witnesses, and to administer oaths when necessary, to make full investigations or determinations whenever the Committee determines them to be necessary with respect to the financial affairs of any state agency, institution, department, board, commission, or office, or pertaining to the operation of any county, city, town, or school district, or any agency of instrumentality thereof entity of the state, a political subdivision of the state, affiliate thereof, or non-affiliates, whenever the Committee shall determine that investigations are necessary for the Committee to discharge its duties in keeping the General Assembly informed with respect to the financial operations of those state agencies, counties, or school districts, or the collection, handling, administration, or expenditure of any public funds allocated thereto.~~

(B) It is not the intent of this section to repeal, reduce, or diminish the authority vested by law in the Legislative Auditor to issue subpoenas whenever the Legislative Auditor determines that they are necessary to assist his or her staff in making a complete audit.

(2) This section shall be cumulative to Acts 1955, No. 105, and all laws amendatory thereto.

SECTION 6. Arkansas Code §§10-3-422 through 10-3-424 are repealed.

~~10-3-422. State agency requests – Recommendations.~~

~~(a) Any request presented to the Committee to conduct a federal audit, as defined in § 10-3-423, shall first be reviewed by the Federal Audit Subcommittee for the purpose of making a recommendation to the Committee to either grant or deny the request for the audit by the Division of Legislative Audit.~~

~~(b) When any request for a federal audit is denied by the Committee, the requesting entity shall be informed of the denial and shall be advised to secure the appropriate federal audit required by the respective federal agency and to inform the~~

Committee when arrangements for the federal audit have been made.

~~(c) The Committee may also request that a copy of the federal audit report be furnished to it when the audit is completed and made available to the entity to assure that the future eligibility of the State of Arkansas and its subdivisions to receive various forms of federal funding is not jeopardized.~~

~~10-3-423. Federal audit defined.~~

~~For purposes of § 10-3-421 [repealed] and §§ 10-3-422 – 10-3-424, the term "federal audit" means a financial compliance audit required as a condition of being awarded a federal grant or other federal funding with the compliance audit requirements mandating specific audit procedures which are outside the scope of the normal audits conducted by the Division of Legislative Audit and which often require the reporting of audit results under separate cover in a format which is often considerably different from the format of the other audit reports rendered by the Division of Legislative Audit, and which are frequently required to cover a reporting period not coinciding with that of the fiscal year of the receiving entity. The term "federal audit" shall not include audits of federal revenue-sharing funds received by a state agency or local unit of government under the State and Local Fiscal Assistance Act of 1972 and amendments thereto which have in the past been conducted by the Division of Legislative Audit as an extension of the normal audit of an entity.~~

~~10-3-424. Application of § 10-3-421 [repealed] and §§ 10-3-422 – 10-3-424.~~

~~The provisions of § 10-3-421 [repealed] and §§ 10-3-422 – 10-3-424 shall apply to requests for federal audits by any state agency, board, commission, department, officer, or other authority of the government of the State of Arkansas, including local school districts, state-supported colleges and universities, vocational-technical schools, counties and municipalities, and instrumentalities thereof.~~

SECTION 7. Arkansas Code § 10-4-101 is amended to read as follows:

10-4-101. Division of Legislative Audit created - Authority - Exemption.

(a) There is created under the authority of the Arkansas General Assembly a Division of Legislative Audit.

(b) The Division of Legislative Audit shall be headed by a Legislative Auditor who is vested with the authority and responsibility of auditing each agency, department, board, commission, council, officer, or official of the state government of Arkansas or any function thereof, receiving state appropriated funds, cash funds, or any other fund derived under the authority or by virtue of state law entities of the state, political subdivisions of the state, affiliates thereof, and transactions relating to public funds received, handled, or disbursed by non-affiliates.

(c)(1) However, any licensing board may be exempt from the provision of this

section retain the services of a private certified public accountant or private public accountant to conduct the board's audit if it files an annual audit with the Legislative Auditor.

(2) As used in this subsection, the term "audit" means an annual financial report, which includes as a minimum, the expression of an opinion by an independent auditor on the fairness with which the licensing board's financial statements present, in all material respects, financial position, results of operations, and, if required its cash flows, in conformity with generally accepted accounting principles.

(d) For the purposes of this subchapter:

(1) "Affiliate" means any nonprofit or other entity whose exclusive or primary purpose or function is to directly or indirectly benefit or assist an entity of the state or a political subdivision of the state, and meets the following criteria:

(A) The economic resources received or held by the affiliate are entirely or almost entirely for the direct benefit of the entity or political subdivision of the state, its component units, or its constituents, or

(B) The entity or political subdivision of the state or its component units is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the affiliate organization;

(2) "Audit" means an audit, review, report of agreed upon procedures, compilation, examination, investigation, or other report or procedure approved by the Legislative Joint Auditing Committee for an entity;

(3) "Entity of the state" means the state as a whole or any official, office, employee, department, institution of higher education, board, commission, or agency of the state, or function thereof;

(4) "Non-affiliate" means any entity receiving, disbursing, or handling public grants or funds; and

(5) "Political subdivision of the state" means any county, municipality, public school district, educational cooperative, quasigovernmental entity, any employee or official thereof, or any function thereof.

(e) As used in (d)(1)(B) of this section, "the ability to otherwise access" means:

(1) The affiliate honors requests to provide resources to the primary government;

(2) Historically, the governmental unit has received, directly or indirectly, a majority of the economic resources provided by the affiliate; or

(3) The affiliate and an entity or political subdivision of the state are financially interrelated by:

(A) The affiliate having the ability to influence the operating and financial decisions of the governmental entity; or

(B) The governmental entity having an ongoing economic interest in the net assets of the affiliate.

SECTION 8. Arkansas Code § 10-4-102(b) and (c) are amended to read as follows:

(b) The Legislative Auditor shall not be related in the second degree of consanguinity or affinity to any ~~state officer, department head, or disbursing officer of any department, office, or agency~~ entity of the state ~~whom under this act it shall be his or her duty to audit~~ or any political subdivision audited by the Division of Legislative Audit.

(c) The Legislative Auditor shall not serve in any ex officio capacity on any administrative board or commission or have any financial interest in the transactions of any ~~department, board, bureau, institution, commission, or agency of the state~~ entity of the state or political subdivision of the state.

SECTION 9. Arkansas Code §§ 10-4-105 and 10-4-106 are amended to read as follows:

10-4-105. Legislative Auditor - Oath ~~and bond.~~

~~(a) Upon appointment, the Legislative Auditor shall qualify by taking the constitutional oath and executing a bond to cover his official acts and the acts of his employees, to be approved by the Legislative Joint Auditing Committee, payable to the State of Arkansas, in the sum of twenty five thousand dollars (\$25,000), conditioned upon the faithful discharge of his duties, with a surety company authorized to do business in the State of Arkansas.~~

~~(b) The premium due the surety company for the execution of such bond shall be paid for by the state.~~

~~(c) The person so appointed as Legislative Auditor, within ten (10) days after his or her appointment, shall file in the office of the Secretary of State his or her oath and approved bond; and if he or she shall fail to do so, the Committee or a majority of the membership thereof shall appoint some other qualified person to fill the office.~~

~~(d) The Legislative Auditor may require any of his or her employees to post bond to reimburse him or her for any loss that he or she might incur on his or her bond due to the acts of such employees.~~

10-4-106. Duties of Legislative Auditor.

(a) The Legislative Auditor shall have the authority and it shall be ~~his or her~~ the Legislative Auditor's duty to:

(1)(A) Perform ~~an audit~~ audits of all accounts, books, and other financial records of the ~~state government of any state officer, department, board,~~

bureau, institution, commission, or agency thereof any entity of the state or political subdivision of the state and to prepare a written report of such audit ~~to the General Assembly and any other person hereafter designated;~~

(B) All reports or summaries thereof shall be presented to the Legislative Joint Auditing Committee.

(C) In addition, reports or summaries thereof may be presented to the General Assembly or any other legislative committee;

(2) Personally, or by his or her duly the Legislative Auditor's authorized assistants, examine and audit ~~all fiscal~~ books, records, and accounts of all custodians of public funds, and of all disbursing officers of ~~the state government of Arkansas making independent verification of all assets, liabilities, revenues, and expenditures of the state, its departments, boards, bureaus, institutions, commissions, or agencies~~ any entity of the state or political subdivision of the state thereof now in existence or hereafter created;

(3)(A) Make any recommendations to the General Assembly in respect to the alteration or improvement of the accounting system used by any ~~office, agency, department, board, commission, and institution of the state government~~ entity of the state, in which connection the Legislative Auditor shall make available to the Chief Fiscal Officer of the State a copy of any recommendations.

(B)(i) In respect to any accounting systems established for any ~~state agency, office, department, board, commission, or institution pursuant to the state fiscal code or otherwise~~ entity of the state, the Legislative Auditor may recommend to the General Assembly any changes which in his or her opinion might improve the accounting system, which recommendation in each instance shall be made available to the Chief Fiscal Officer of the State;

(ii) In cases where the Legislative Auditor finds that the accounting system prescribed by the Chief Fiscal Officer of the State has not been installed or followed by any ~~agency, officer, or department~~ entity of the state or may be improved, he or she shall report the failure to the General Assembly and may make such recommendations as he or she considers advisable or necessary for the alteration or correction of the accounting system;

(4) Require the aid and assistance of all executives and officials, auditors, accountants, and other employees of each and every ~~department, board, bureau, institution, commission, or agency of the state~~ entity of the state, political subdivision of the state, or affiliate thereof at all times in the inspection, examination, and audit of any and all of their books, accounts, and records ~~of the several departments;~~ and

(5)(A) Cause to be maintained a sufficient accounting of the audit costs incurred by the Division of Legislative Audit in auditing entities of the state agencies, boards, commissions, and colleges and universities, and in order to provide a basis for determining a reasonable reimbursement from these entities for the cost of the auditing of federal funds received by these entities, with the funds being charged with the reimbursements.

(B) In the event it is determined by the Legislative Joint Auditing Committee that the reimbursement for the auditing of funds is appropriate, the Legislative Auditor and the Director of the Department of Finance and Administration shall develop guidelines for effecting proper budgetary and accounting procedures for such reimbursements by fund transfers.

(b)(1) As soon as practical after the close of each fiscal year, the Legislative Auditor shall certify to the Chief Fiscal Officer of the State the amount of funds expended during the fiscal year just ending which is to be allocated to the ~~State Audit Program~~ State Audit Function and to the ~~Local Audit Program~~ Local Audit Function.

(2) The Chief Fiscal Officer of the State shall utilize this certification in determining those expenses which are eligible to be reimbursed from the Ad Valorem Tax Trust Fund.

(c)(1)(A) The Legislative Auditor shall have access at all times to all of the books, accounts, reports, ~~confidential or otherwise~~, vouchers, or other records, confidential or otherwise, of information in any ~~state office, department, board, bureau, or institution of this state~~ entity of the state, political subdivision of the state, or any affiliate thereof.

(B) In addition, the Legislative Auditor shall have access at all times to any books, accounts, reports, vouchers, or other records, confidential or otherwise, of a non-affiliate necessary to audit transactions relating to public funds received, handled, or disbursed by the non-affiliate.

(2)(A) Nothing in this section shall be so construed as authorizing or permitting the publication of information prohibited by law.

(B) Records that are exempt from public disclosure by the custodian remain exempt from public disclosure in the working papers of the Division of Legislative Audit.

(C) All records, documents, correspondence, or other data that would disclose identification of donors to affiliates or non-affiliates are exempt from public disclosure.

(D) Any working papers or other data relating to donor information of affiliates or non-affiliates are confidential and shall not be disclosed.

(d) The Legislative Auditor shall execute the duties and responsibilities of the position of Legislative Auditor as provided by law.

SECTION 10. Arkansas Code § 10-4-107(a) is amended to read as follows:

(a) The Legislative Auditor is designated as disbursing officer for the division, and all vouchers issued in the payment of salaries and expenses incurred in the operations of the division shall be approved by the Legislative Auditor or the Legislative Auditor's authorized designees before they are paid.

SECTION 11. Arkansas Code § 10-4-108(d) is amended to read as follows:

(d) It is the intention and desire of the General Assembly to free the Legislative Auditor and his or her staff from partisan politics, and it is declared to be against public policy for any member of the General Assembly or any official or employee of the entities of the state or political subdivisions of the state government ~~or any board, bureau, department, or institution thereof~~ to recommend or suggest the appointment of any person to a position on the staff of the Legislative Auditor.

SECTION 12. Arkansas Code § 10-4-109(b) is amended to read as follows:

(b)(1) Any member of the General Assembly ~~may~~, by written request filed with the Committee at least six (6) days prior to any regular or special meeting of the committee, may request a special auditing of any agency of the state entity for which the Legislative Joint Auditing Committee and the Division of Legislative Audit has the authority to audit.

(2) Upon the vote of the majority of the membership of the Committee approving the request, the Legislative Auditor shall ~~make~~ conduct the audit.

SECTION 13. Arkansas Code §§ 10-4-110 through 10-4-112 are amended to read as follows:

10-4-110. ~~Audit and biennial reports.~~

(a) Copies of each state agency audit report shall be ~~filed with~~ made available to the agency concerned, the Legislative Joint Auditing Committee, the Secretary of State, and the Chief Fiscal Officer of the State.

~~(b)(1) The Legislative Auditor shall file a biennial report with the Legislative Council, the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, each member of the General Assembly, the Chief Fiscal Officer of the State, in the office of the Secretary of State, and in the office of each county clerk.~~

~~(2) Each biennial report shall contain, among other things, copies of, or the substance of, reports made to the various departments, bureaus, institutions, and boards, as well as a summary of recommendations made in regard thereto.~~

~~(e)(b)~~ Reports shall ~~also~~ may contain specific recommendations to the General Assembly for the amendment of existing laws or the passage of new laws

designed to improve the functioning of ~~various departments, boards, bureaus, institutions, or agencies of state government~~ entities of the state and political subdivisions of the state to the end that more efficient service may be rendered and the cost of government reduced.

~~(d)(c)~~ All recommendations submitted by the Legislative Auditor shall be confined to those matters properly coming within his or her jurisdiction, which is to see that the laws passed by the General Assembly dealing with the expenditure of public moneys are in all respects carefully observed and that the attention of the General Assembly is directed to all cases of violations of the law and to those instances where there is need for change of existing laws or the passage of new laws to secure the efficient spending of public funds. The Legislative Auditor shall not include in his or her recommendations to the General Assembly any recommendations as to the sources from which taxes shall be raised to meet the governmental expense.

~~(e)(d)~~ All reports of the Legislative Auditor shall call attention to any funds which, in his or her opinion, have not been expended in accordance with law or appropriation by the General Assembly and shall make recommendations to the General Assembly as to the manner or form of appropriations which will avoid any such improper expenditure of money in the future.

~~(f)~~ The Committee shall direct the printing or mimeographing of such number of any reports as it thinks necessary and proper.

~~(g)(e)(1)~~ All reports filed with the Secretary of State and each county clerk shall be open to public inspection after presentation to the Legislative Joint Auditing Committee or approved for release by the cochairs of the Legislative Joint Auditing Committee.

(2) All final reports produced after January 1, 2002 shall be available for viewing or downloading from the Internet.

10-4-111. Report of improper or illegal practices.

(a) If a state agency audit report ~~or other statutorily allowed examination~~ presented to the Legislative Joint Auditing Committee or the appropriate standing subcommittee thereof reflects evidence of improper practices of financial administration or inadequacy of fiscal records, the Legislative Auditor shall report the same to the Governor, the appropriate department head or heads affected thereby, and the governing body of the department.

(b) If an audit report ~~or other statutorily allowed examination~~ presented to the Committee or the appropriate standing subcommittee thereof reflects evidence of apparent unauthorized disbursements or unaccounted for funds or property by a

public official or employee, the Legislative Auditor shall forthwith report the transactions in writing to the prosecuting attorney for the county in which the public agency or political subdivision is located, the Governor, the appropriate department head or heads affected thereby, and the governing body of the department or political subdivision.

(c)(1) The Legislative Auditor shall notify and cooperate with the appropriate prosecuting attorney on all matters that appear to involve a criminal offense.

(2) Upon request, and with the approval of the cochairs and co-vicechairs of the Committee, the Legislative Auditor shall cooperate in any other investigations by the appropriate prosecuting attorney, the Department of Arkansas State Police, or any other law enforcement agency.

(d) The Legislative Auditor may request the appropriate prosecuting attorney to petition the court to order, as part of any disposition or adjudication, the payment, by a defendant, of costs incurred by the Division of Legislative Audit in investigating any unauthorized disbursements or unaccounted for funds or property related to a defendant.

~~(d)~~(e)(1) While the Committee is not established as an agency to effect, through its own direct action the correction of improper practices of financial administration or inadequacy of fiscal records, the prosecution of defaulting public officials, or the improvement of accounting systems in any ~~state department~~ entity of the state or political subdivision of the state, nevertheless, it is determined that the action or nonaction on the part of the appropriate public officials in respect to the correction of such matters when called to their attention or in respect to the institution of criminal proceedings, where proper, has a pertinent bearing upon the question of the necessity for future remedial legislation.

(2) It is for this reason that the Committee is authorized to inform public officials to the extent provided by law of the findings of the Legislative Auditor in respect to any such matters.

10-4-112. ~~Examination of bank records~~ Business, financial, and other records.

~~(a) In verifying any of the audits made, the Legislative Auditor shall have the right to ascertain the amounts on deposit in any banks belonging to any department, board, commission, bureau, institution, or other agency of the state government required to be audited, and shall have the right to audit the account on the books of such bank~~ In the performance of the Legislative Auditor's duties, the Legislative Auditor or the Legislative Auditor's authorized assistants may confirm, audit, and examine all accounts or records, confidential or otherwise, regarding any entity of the state, political subdivision of the state, or any affiliate thereof held in any financial

institution or other business entity, regardless of location or form of record.

(b)(1) In addition thereto, the Legislative Auditor shall have the right to audit the bank account of any officer or employee of any ~~state office, department, institution, bureau, board, commission, or other state agency~~ entity of the state, political subdivision of the state, or affiliate thereof, or the bank account of any other person or firm doing business with ~~the state~~ an entity of the state, political subdivision of the state, or affiliate thereof, if the Legislative Auditor has reason to believe that the auditing of the accounts is necessary for the verifying of any audits made under the authority of this act.

(c) No bank, financial institution, or other entity shall be liable for making available to the Legislative Auditor any of the information required under the provisions of this section.

SECTION 14. Arkansas Code § 10-4-113 (a) is amended to read as follows:

(a) It shall be the duty of the Legislative Auditor to give notice and proof of loss together with any other supporting papers or evidence to the Chief Fiscal Officer of the State of any shortage or other liability of any officer or employee of ~~the state~~ any entity of the state that may be determined in the course of or as a result of any audit.

SECTION 15. Arkansas Code § 10-4-113(c)(1) is amended to read as follows:

(c)(1) In all criminal or civil actions brought as the result of the findings set forth in any ~~audit~~ report of the Legislative Auditor, the Legislative Auditor or his or her assistants ~~making the audit~~ shall upon request of the proper officers of the court give testimony and otherwise make their services available in the prosecution of any action.

SECTION 16. Arkansas Code § 10-4-114 is amended to read as follows:

10-4-114. Subpoenas - Witnesses - Penalty for failure to appear - Perjury.

(a)(1) The Legislative Auditor may issue subpoenas in connection with any audit or other investigation of any entity of the state, political subdivision of the state, affiliate thereof, or non-affiliate.

(2) The Legislative Auditor or any of his or her authorized assistants shall have the power in ~~making~~ conducting any audit or examination to administer oaths and cause to be summoned to appear before them at a time and place and with such papers, files, and records as may be named in the summons, any person or persons whose testimony may be desired or deemed necessary in the audit or examination.

(b) The power of the Legislative Auditor or any of his or her assistants to administer oaths and summon records as mentioned ~~in subsection (a) of this section~~

above shall apply to all state employees and officials of the state, its political subdivisions, or any functions or affiliate thereof, as well as to any other person, business, firm, corporation, or association receiving, disbursing, or handling public grants or funds or doing business with any the state, its political subdivisions, or any affiliate thereof agency that the Legislative Auditor or any of his or her authorized assistants may have reason to believe have information or records that are necessary to a full determination of matters pertaining to any audit authorized in this act.

(c) Any person summoned to appear before the Legislative Auditor or any of his or her authorized assistants to testify or submit papers, files, and records as required in this section shall receive the same compensation as is received by persons serving as witnesses in circuit courts of this state.

~~(d)(1) Any person who willfully fails or refuses to appear and testify or submit papers, files, and records material and pertinent to the examination, or willfully refuses to answer any material or pertinent questions propounded to him or her by the Legislative Auditor or any of his or her assistants, shall be deemed guilty of a misdemeanor. Upon conviction by a court of competent jurisdiction, that person shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and any person appearing and willfully and corruptly giving any false testimony that is material to the investigation of his or her official conduct and pertinent to the examination before the Legislative Auditor or any of his assistants shall be deemed guilty of perjury. It is a Class D felony for any person subpoenaed by the Legislative Joint Auditing Committee to knowingly fail or refuse to appear and testify or submit papers, files, and records material pertinent to the examination.~~

(2) It is a Class D felony for any person to knowingly give any false testimony before the Legislative Joint Auditing Committee.

SECTION 17. Arkansas Code § 10-4-115(b) is amended to read as follows:

~~(b)(1) He or she shall also keep a complete file of copies, paper or otherwise, of all audit reports, examinations, investigations, and any and all other reports or releases issued by him or her or his or her office and a complete file of audit.~~

(2) Audit work papers and other evidence pertaining to work of the division shall be maintained for at least three (3) years after completion of the report.

SECTION 18. Arkansas Code § 10-4-116 is repealed.

~~10-4-116. Seal - Effect.~~

~~(a) The Secretary of State shall procure an official seal for the Division of Legislative Audit.~~

~~(b) Every paper or photostatic copy thereof executed by the Legislative~~

~~Auditor in pursuance of law and sealed with the seal of his or her office shall be received in evidence in any court or other tribunal and may be recorded in the same manner and with like effect as deeds regularly acknowledged.~~

SECTION 19. Arkansas Code § 10-4-117 is amended to read as follows:

10-4-117. Audit of data processing operations.

(a) The Division of Legislative Audit ~~shall have~~ has the authority to conduct audits of all or any part of automated data processing operations or systems of any ~~state agency~~ entity of the state or political subdivision of the state.

~~(b) For the purposes of this section, "state agencies" means any state agency, board, commission, department, institution, or state-supported community college, college, or university of the State of Arkansas.~~

~~(c)(b)(1) Data processing machine usage charges incurred in the performance of audits or audit-related tasks by the division will~~ shall be absorbed by the ~~state agency processing data for the computer application being accessed or audited provided that the use will not interfere with or impede normal processing by the data processing installation~~ entity of the state or political subdivision of the state being audited.

(2) The data processing provider shall provide requested data or other information or services to the Division of Legislative Audit in a timely manner.

(c) The Department of Information Systems, its successor agency, or other entities of the state or political subdivisions of the state, providing Internet, network, or other computer services or information to an entity of the state, a political subdivision of the state, or an affiliate thereof, shall provide access to any or all data, support, or other necessary information services to the Division of Legislative Audit in connection with their functions at no cost to the division.

(d) In connection with any audit by the Division of Legislative Audit, contractual providers of data processing or other computer related services to entities of the state or political subdivisions of the state, shall cooperate and provide requested information at no cost to the Division.

(e) All contracts for data processing or other computer services for entities of the state or political subdivisions of the state shall contain a right to audit clause.

SECTION 20. Arkansas Code § 10-4-118(a) is amended to read as follows:

(a) To provide for a consistent and understandable financial format, all audit reports prepared by private certified public accountants or public accountants of ~~state or local educational institutions, boards, or commissions, and other state agencies~~ entities of the state or political subdivisions of the state shall be in the substantial form as reports prepared by the Legislative Auditor ~~or a similar governmental entity~~.

SECTION 21. Arkansas Code § 10-4-119 is amended to read as follows:

10-4-119. Continuing professional education courses.

(a) ~~The~~ In addition to contracting with private entities, the Division of Legislative Audit ~~is authorized to~~ may contract and pay entities of the state agencies or institutions of higher education or any of their part-time or full-time employees for services rendered, materials, supplies, or other expenses incurred in conducting continuing professional education courses for the staff of the division.

(b) Any funds received by the public employees under the provisions of this section shall be considered supplemental to their regular salaried positions and shall not be subject to the restrictions of § 6-63-307, § 19-4-1604, or other statutory salary limitations regarding line item maximums or grades and steps.

(c) These provisions apply whether the public employee is paid directly or indirectly by ~~the state agency or institution of higher education~~ an entity of the state.

SECTION 22. Arkansas Code § 10-4-201 is repealed.

~~10-4-201. Division of Local Affairs and Audits - Directors.~~

~~(a) The Legislative Auditor shall appoint a Director of the Division of Local Affairs and Audits who shall serve at his or her pleasure.~~

~~(b) The Director of the Division of Local Affairs and Audits of the Division of Legislative Audit, with the approval of the Legislative Joint Auditing Committee, shall appoint the directors of the respective Divisions of County Audits, Municipal Audits, and School Audits within the Division of Local Affairs and Audits.~~

~~(c) With respect to the administration of the various laws of this state governing local audits, the Director of the Division of Local Audits shall possess all powers, functions, and duties with respect to local audits as formerly vested in the Office of the State Comptroller as ex officio Director of Local Audits, or in the Director of Administration.~~

~~(d) All personnel within the Division of Local Affairs and Audits of the Division of Legislative Audit shall be named by the director with the approval of the Legislative Auditor and shall serve at the pleasure of the director and the Committee.~~

SECTION 23. Arkansas Code §§ 10-4-202 through 10-4-204 are amended to read as follows:

10-4-202. Audits authorized - Independent audits.

(a)(1) The Legislative Auditor has the ~~power and duty~~ authority, acting through his or her duly authorized employees, to conduct audits of the records and accounts of ~~all officials or employees of counties, municipalities, school districts, county school boards, and educational cooperatives~~ any political subdivision of the state or affiliates thereof, and transactions relating to public funds received, handled, or disbursed by non-affiliates.

~~(2) In the alternative, upon approval of the Legislative Joint Auditing Committee, the Legislative Auditor may conduct:~~

~~(A) A compilation or a report of agreed upon procedures of the records and accounts of all officials or employees of incorporated towns; or~~

~~(B) A report of agreed upon procedures of cities of the second class.~~

(b) For the purposes of this subchapter:

(1) "Affiliate" means any nonprofit or other entity whose exclusive or primary purpose or function is to directly or indirectly benefit or assist an entity of the state or a political subdivision of the state, and meets the following criteria:

(A) The economic resources received or held by the affiliate are entirely or almost entirely for the direct benefit of the entity or political subdivision of the state, its component units, or its constituents, or

(B) The entity or political subdivision of the state or its component units is entitled to, or has the ability to otherwise access, a majority of the economic resources received or held by the affiliate organization;

(2) "Audit" means an audit, review, report of agreed upon procedures, compilation, examination, investigation, or other report or procedure approved by the Legislative Joint Auditing Committee for an entity;

(3) "Entity of the state" means the state as a whole or any official, office, employee, department, institution of higher education, board, commission, or agency of the state, or function thereof;

(4) "Non-affiliate" means any entity receiving, disbursing, or handling public grants or funds; and

(5) "Political subdivision of the state" means any county, municipality, public school district, educational cooperative, quasigovernmental entity, any employee or official thereof, or any function thereof.

(c) As used in (b)(1)(B) of this section, "the ability to otherwise access" means:

(1) The affiliate honors requests to provide resources to the primary government;

(2) Historically, the governmental unit has received, directly or indirectly, a majority of the economic resources provided by the affiliate; or

(3) The affiliate and an entity or political subdivision of the state are financially interrelated by:

(A) The affiliate having the ability to influence the operating and financial decisions of the governmental entity; or

(B) The governmental entity having an ongoing economic

interest in the net assets of the affiliate.

~~(b)(1)(d)(1)(A)~~ Nothing contained in subsection (a) of this section shall be so construed as to abridge the right of any school district, any educational cooperative, or any municipality to choose and employ accountants licensed and in good standing with the Arkansas State Board of Public Accountancy to conduct these audits in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

(B) As used in this subsection (d), "audit" means an annual financial report, which includes as a minimum, the expression of an opinion by an independent auditor on the fairness with which the financial statements present, in all material respects, financial position, results of operations, and, if required its cash flows, in conformity with generally accepted accounting principles.

~~(2) In the alternative, with the approval of the Committee:~~

~~(A) An incorporated town may employ such licensed accountants to conduct a compilation or a report of agreed-upon procedures as provided in subdivision (b)(2)(B) of this section in accordance with standards issued by the American Institute of Certified Public Accountants; or~~

~~(B)(i) A city of the second class may employ such licensed accountants to conduct and prepare a report of agreed-upon procedures.~~

~~(ii) The agreed-upon procedures and format of the report shall be prescribed by the Legislative Auditor and shall include at a minimum:~~

~~(a) A reconciliation and confirmation of cash;~~

~~(b) A cash basis balance sheet;~~

~~(c) A statement of cash receipts and disbursements; and~~

~~(d) A report on compliance with certain Arkansas laws.~~

~~(3)(A)(2)(A)~~ A certified copy of each audit, compilation, or agreed-upon procedures report shall be filed with the Division of Legislative Audit in a timely manner after completion of the report.

~~(B) All compilation reports and reports of agreed-upon procedures allowed in this section shall be presented to the appropriate governing body in the same manner as audit reports.~~

(3)(A) Audits conducted by private licensed accountants under this section shall include any specific procedures, tests, reports, exhibits, or schedules prescribed by the Legislative Auditor and approved by the Legislative Joint Auditing Committee.

(B) Any specific required procedures or formats shall be

available from the Division of Legislative Audit.

10-4-203. Records and reports.

(a) Insofar as it is practical to do so, and not inconsistent with the law or professional guidelines, the ~~Director of the Division of Local Affairs and Audits of the Division of Legislative Audit shall~~ Legislative Auditor may establish uniform systems of record-keeping within the respective counties, school districts, ~~and municipalities,~~ or other public entity.

(b) The ~~director~~ Legislative Auditor may require, on forms prescribed and furnished by him or her, the filing with the division of financial reports at such times as he or she shall deem advisable.

10-4-204. Verifying transactions.

In verifying any transaction or in determining the nature or manner of handling any matter under investigation during the course of any audit, ~~the Director of the Division of Local Affairs and Audits of the Division of Legislative Audit~~ the Legislative Auditor or the Legislative Auditor's authorized assistants shall have the right to examine the accounts, records, or other data, confidential or otherwise, of any officer or employee of any ~~county, school district, or municipality~~ political subdivision of the state or affiliate thereof, or the records of any banking or financial institution, ~~or business concern, or individual,~~ with regard to transactions or matters under investigation, and to require, of the proper officer of any banking or financial institution, ~~or business concern, or individual,~~ verified statements with relation to any such transactions or matters.

SECTION 24. Arkansas Code § 10-4-205(b) is amended to read as follows:

~~(b)(1) After the report of each audit shall have been completed, one (1) certified copy of the report shall be retained by the Director of the Division of Local Affairs and Audits of the Division of Legislative Audit. In addition, one (1) certified copy shall be filed:~~ After reports have been presented to the Legislative Joint Auditing Committee, the reports shall be available for viewing or downloading from the Internet.

~~(A) With respect to county audits, with the county judge and the county clerk. The clerk of the county court shall promptly notify each member of the quorum court of the county by mail that the audit has been completed and filed in the office of the county clerk, and it shall be a matter of public record;~~

~~(B) With respect to school district audits, with the Department of Education, the county school supervisor, and the chairman or president of the board of directors of the particular school district when the records and accounts of that district have been audited; and~~

~~(C) With respect to municipal audits, with the mayor or other~~

chief magistrate of the city and the city clerk or town recorder.

~~(2) Each audit report, when so filed, shall be a public document and shall be subject to and made available for the inspection of any interested taxpayer or citizen.~~

SECTION 25. Arkansas Code § 10-4-206 is amended to read as follows:

10-4-206. Auditors, accountants, and employees.

~~(a) No auditor or employee of the Division of Local Affairs and Audits or of the Division of Legislative Audit shall assist in or conduct the audit of the books of any county official if the auditor or employee or the spouse of either of them is related in the first degree of consanguinity to any that county-official whose office is subject to be audited by the Division of Local Affairs and Audits~~ Legislative Audit.

~~(b) Each auditor or accountant shall be required to furnish bond of such penalty as shall be determined by the Director of the Division of Local Affairs and Audits of the Division of Legislative Audit. Any auditor or accountant who shall knowingly or willfully make or publish any false statement or report concerning the affairs or conditions of any officer or office under audit shall be immediately discharged by the director, and he or she and the surety on his or her bond shall be liable to the individuals injured thereby.~~

SECTION 26. Arkansas Code § 10-4-207 is repealed.

~~10-4-207. Audit of county hospitals.~~

~~The Division of Local Affairs and Audits of the Division of Legislative Audit is authorized to make an audit of any hospital owned and operated by any county in this state when an audit is requested by the proper authorities of the hospital.~~

SECTION 27. Arkansas Code § 10-4-208 is amended to read as follows:

10-4-208. Audit of publicly funded educational institutions and municipalities - Requirements of report by independent accountant.

(a) The audit of every ~~publicly funded educational institution~~ municipality, public school district, county school board, or educational cooperative shall be performed by the Division of Legislative Audit or other independent person licensed to practice accounting by the Arkansas State Board of Public Accountancy to be selected by the governing body of the ~~educational institution~~ entity.

~~(b) Any statutorily required audit of an educational institution performed by an independent accountant shall include as a minimum and as an integral part of the annual financial report a review and comments on substantial compliance with each of the following:~~

~~(1) Management letter for audit of political subdivisions, §§ 14-75-101 -14-75-104;~~

~~(2) School officials prohibited from having interest in sales to school~~

and from receiving pecuniary profits for favorable actions, §§ 6-13-628;

(3) ~~School elections, §§ 6-14-102, 6-14-118;~~

(4) ~~Management of schools, §§ 6-13-617-6-13-620, 6-13-701;~~

(5) ~~Revolving Loan Fund, §§ 6-19-114(a), 6-20-801 et seq.;~~

(6) ~~District finances, §§ 6-20-402, 6-20-409;~~

(7) ~~District school bonds, §§ 6-20-1208, 6-20-1210(a) and (b);~~

(8) ~~Teachers and employees, §§ 6-17-201(b) and (c), 6-17-203-6-17-206, 6-17-301, 6-17-401;~~

(9) ~~Teachers' salaries, the Minimum Foundation Program Aid Act, §§ 6-17-803(b), 6-17-907, 6-17-908(a) and (b), 6-17-911-6-17-915, 6-17-918, and 6-17-919;~~

(10) ~~Surety bonds if district has a district treasurer, § 19-1-403;~~

(11) ~~Deposit of funds, §§ 19-8-104, 19-8-106;~~

(12) ~~Investment of funds, § 19-1-504; and~~

(13) ~~Improvement contracts, §§ 22-9-202-22-9-205.~~

(c)(b) ~~The governing body of the educational institution municipality, public school district, county school board, or educational cooperative shall require the independent accountant to present the annual financial report in conformity with the format and guidelines as prescribed by the appropriate professional organizations, such as, but not limited to, the American Institute of Certified Public Accountants, the National Council on Governmental Accounting, and the National Association of College and University Business Officers Division of Legislative Audit.~~

(d)(1) ~~The audit reports and accompanying comments and recommendations relating to any publicly funded school, educational cooperative, vocational technical school, or institution of higher education prepared in accordance with the provisions of § 6-1-101 or other Code provisions shall be reviewed by the applicable board or governing body.~~

(2)(A) ~~The audit report and accompanying comments and recommendations shall be reviewed at the first regularly scheduled meeting following receipt of the audit report if the audit report is received by the board or governing body prior to ten (10) days before the regularly scheduled meeting.~~

(B) ~~If the audit report is received by the board or governing body within ten (10) days before a regularly scheduled meeting, the audit report may be reviewed at the next regularly scheduled meeting after the ten-day period.~~

(3) ~~The board or governing body shall take appropriate action relating to each finding and recommendation contained in the audit report.~~

(4) ~~The minutes of the board or governing body shall document the review of the findings and recommendations and the action taken by the board or~~

governing body.

SECTION 28. Arkansas Code § 10-4-214 is amended to read as follows:

10-4-214. ~~Schedule of fixed~~ Capital assets.

Any municipality or school district in the State of Arkansas engaging the services of an independent accountant for the purpose of conducting a statutorily required audit of the municipality or school district shall require the accountant to review and comment on the adequacy and extent of accounting controls relating to fixed capital assets of the municipality or school district in the audit report issued by the accountant ~~and to include a schedule of fixed assets of the municipality or school district as an integral part of the report.~~

SECTION 29. Arkansas Code § 10-4-215(b) is amended to read as follows:

(b) If any discrepancy is noted in the audit, the county officer shall be notified of the meeting of the Committee at which the audit is being considered in order that the county officer may be present when the audit is considered by the Committee and make himself or herself available to discuss the audit with the members of the Committee. ~~The notice shall be furnished to the county officer by the Legislative Auditor at least six (6) days prior to the meeting of the Committee at which the audit is to be considered, by mailing a copy of the notice to the county officer by ordinary mail.~~

SECTION 30. Arkansas Code §10-4-216 is repealed.

~~10-4-216. Bonds of county officers.~~

~~(a)(1) Under such method of procedure and by use of such formulas as shall be determined by the State Board of Finance, the Director of the Division of Local Affairs and Audits of the Division of Legislative Audit shall fix the amounts of the penalties of the bonds to be furnished by all county officers required by law to furnish bond.~~

~~(2)(A) On or before December 1 of each year, he or she shall certify to the clerks of the county courts the amounts of the bonds as so determined, which certification shall be made available for the inspection of all such officers.~~

~~(B) The certifications so made shall be deemed to constitute sufficient notice of the contents thereof to each of the county officers.~~

~~(b) Nothing contained in this section shall be so construed as to amend or repeal any law in which the amount of the penalty of the bond to be furnished by any officer has been fixed in a specific amount.~~

SECTION 31. Arkansas Code § 10-4-217(a) is amended to read as follows:

(a) It shall be the duty of ~~the Director of the Division of Local Affairs and Audits of~~ the Division of Legislative Audit, with approval of the Legislative Joint Auditing Committee, to give notice and make proof of loss to and demand payment

of the surety on any bond executed by any officer in which the audit report of the records of that officer reflects any shortage or other liability for which that officer and his or her surety may in anyway be liable.

SECTION 32. Arkansas Code § 10-4-218 is amended to read as follows:

10-4-218. Administrative cost.

(a) The administrative cost of ~~the Division of Local Affairs and Audits of auditing the political subdivisions of the state by~~ the Division of Legislative Audit shall be paid from the ~~annual gross collections of taxes on bus and truck lines and private car companies, which are deposited in the State Treasury for the benefit of counties and municipalities and which are to be used to defray the cost of auditing counties, municipalities, and school districts~~ Ad Valorem Tax Fund as prescribed by § 19-5-906.

(b) In the event these taxes, or any part thereof, are no longer collected or deposited in the State Treasury, or there is a diminution in these taxes, then the operating cost of ~~the division~~ auditing the political subdivisions of the state by the Division of Legislative Audit shall be paid from other moneys deposited in the General Revenue Fund Account.

SECTION 33. Arkansas Code § 10-4-219(a) is amended to read as follows:

(a) The audit reports and accompanying comments and recommendations relating to any county or municipality ~~of this state prepared pursuant to the provisions of § 10-4-202, § 14-58-101, or other Code provisions~~ shall be reviewed by the applicable legislative governing body.

SECTION 34. Arkansas Code § 10-4-219(b)(2) is amended to read as follows:

(2) If the audit report is received by the board or governing body within ten (10) days ~~of before~~ a regularly scheduled meeting, the audit report ~~may~~ shall be reviewed at the ~~next~~ regularly scheduled meeting ~~after the ten-day period~~ falling within the ten-day period or at the next following regularly scheduled meeting."

/s/ Tommy Roebuck

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Bolin, **SENATE BILL NO. 115** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO SENATE BILL NO. 115

Amend **SENATE BILL NO. 115** as engrossed, H4/2/03:

Page 2, line 20, delete "shall" and substitute "may"

AND

Page 2, delete lines 22 through 24 and substitute the following:

"per position provided to the Governor by any professional association of acupuncture that has been incorporated and qualified under the laws of the State of Arkansas as a nonprofit corporation."

AND

Page 7, line 2, delete "~~and~~" and substitute "and"

AND

Page 7, line 3, delete "medicine; and" and substitute "medicine."

AND

Page 7, delete line 4

/s/ Johnnie Bolin

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Bradford, **SENATE BILL NO. 948** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 948

Amend **SENATE BILL NO. 948** as engrossed, S3/31/03:

Add Representatives Bradford and Jackson 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 White, **SENATE BILL NO. 242** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 242

Amend **SENATE BILL NO. 242** as engrossed, S3/27/03:

Add Representative White as a cosponsor of the bill

AND

Page 2, line 33, delete "teachers or" and substitute "teachers, staff, or"

/s/ Robert White

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative L. Evans, **SENATE BILL NO. 275** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 275

Amend **SENATE BILL NO. 275** as originally introduced:

Page 2, delete lines 2 through 9 and substitute:

“(1) The machine gun has been registered to a corporation in the business of manufacturing ammunition or a representative of the corporation under the National Firearms Act, 26 U.S. Code Chapter 53, or the Gun Control Act, 18 U.S. Code Chapter 44;

(2) The machine gun is being used primarily to test ammunition in a non-offensive and non-aggressive manner by the corporation or the corporation’s representative that the machine gun is registered to; and

(3) The corporation or the corporation’s representative is not prohibited from the possession of a firearm by any state or federal law.”

/s/ Lenville Evans

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

/s/ Ms. Jo Renshaw

Chief Clerk

SENATE CONCURRENT RESOLUTION NO. 28

BY: SENATOR MILLER

TO REQUEST A STUDY OF THE IMPACT OF EXEMPTING SOLE PROPRIETORS AND PARTNERSHIPS FROM LIABILITY UNDER WORKERS' COMPENSATION LAWS BY ALLOWING THEM TO ISSUE CERTIFICATIONS OF NONCOVERAGE.

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

SENATE BILL NO. 420

BY: SENATOR MADISON

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, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Kenney, Key, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total85

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Bledsoe, Edwards, Haak, Hardwick, J. Johnson, Lamoureux, Moore, Norton, Roebuck, Schulte, Sumpter, Thomas, Thyer, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative85

Necessary to the passage of the bill51

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

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2306

Amend **HOUSE BILL NO. 2306** as engrossed, H3/17/03:

Immediately following SECTION 1 add a new SECTION to read as follows:

"SECTION 2. Arkansas Code § 9-28-404(a), concerning the composition of the Child Welfare Agency Review Board, is amended to read as follows:

(a) The Child Welfare Agency Review Board shall consist of Arkansas residents who shall be qualified as follows:

- (1) The director of the division or his or her designee;
- (2) One (1) representative from a privately owned, licensed child placement agency with expertise in foster care;
- (3) One (1) representative from a privately owned, licensed child placement agency with expertise in adoptions;
- (4) Two (2) representatives from licensed residential child care facilities;
- (5) One (1) representative from a licensed psychiatric residential treatment facility;
- (6) One (1) representative from a licensed emergency shelter; and
- (7) One (1) representative from the public at large; and
- ~~(8) The Director of the Department of Health or his or her designee as a nonvoting ex officio member."~~

/s/ Shawn Womack

The Amendment was read and the vote was as follows:

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

Total87

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Chesterfield, Cowling, Edwards, Goss, Mahony, Mathis, Roebuck, Schulte, Sumpter, Thomas, Thyer, White, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast87

Total number voting in the affirmative87

Necessary to the concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2330

Amend **HOUSE BILL NO. 2330** as originally introduced:

Page 2, delete lines 23 through 34 and substitute the following:

“(2) A child care facility may request the Attorney General’s Office to assist it in obtaining the list by providing its name and mailing address to the Consumer Product Safety Commission for the purpose of receiving the list of recalled children’s products and quarterly updates through a mailing sent directly from the Consumer Product Safety Commission or by providing the Consumer Product Safety Commission with the facility’s email address so it may receive the list and updates by email notification.

(e)(1) Each child care facility, as part of the licensing, licensing renewal, or periodic update process conducted by the department, shall certify in writing on forms provided by the Department of Human Services, that it has reviewed ~~each of the bulletins and notices issued by~~ the list of recalled children’s products maintained by the Office of the Attorney General regarding unsafe children’s products or the Consumer Product Safety Commission and any updates to the list, and that after a thorough inspection, to the best of their knowledge, there are no unsafe children’s ~~products~~ toys, furniture, or equipment in the facility.”

/s/ Bob Johnson

The Amendment was read and the vote was as follows:

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Cowling, Dobbins, Goss, Mathis, Penix, L. Prater, Schulte, Sumpster, Thomas, Thyer, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2471

Amend **HOUSE BILL NO. 2471** as engrossed, 3/24/03:

Page 15, delete lines 4 and 5 and substitute:

~~“(a) The juvenile division of circuit court has exclusive jurisdiction when a delinquency~~ The state may only proceed with a case as a delinquency when the case involves a juvenile.”

AND

Page 16, delete lines 13 through 16 and substitute:

~~“(c) The criminal division of circuit court and the juvenile division of circuit court have concurrent jurisdiction, and a~~ A prosecuting attorney may charge a juvenile in either the juvenile or criminal division of circuit court when a case involves a juvenile.”

AND

Page 38, line 21 add “circuit” after “juvenile”

AND

Page 38, line 30 add “circuit” after “juvenile”

AND

Page 53, line 9 add the following new section:

“SECTION 39. Arkansas Code § 9-28-407(h)(1)(O), concerning licensing of child welfare agencies, is amended to read as follows:

“(O) To ~~juvenile~~ circuit courts as provided for in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.,”

/s/ Jim Luker

The Amendment was read and the vote was as follows:

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Cowling, House, Key, Mack, Matayo, Mathis, Penix, Schulte, Sumpter, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 2 TO HOUSE BILL NO. 2479

Amend **HOUSE BILL NO. 2479** as originally introduced:

Add Senator Salmon as a cosponsor of the bill

AND

Page 1, delete lines 23 through 27, and substitute the following:

“(c)(1) However, in cities of the first class that have two (2) or more full-time volunteer fire protection districts, the assessment is not final until reviewed by the governing body of the city and a resolution is passed that states the assessments have been reviewed.

(2) The city’s governing body may return the assessments to the assessors with a request for further review of the assessments by the assessors.”

AND

Page 1, line 29, add a new section to the bill to read as follows:

“SECTION 2. Arkansas Code § 14-284-124(e), concerning the conditions and procedures for the consolidation of fire protection districts, is amended to read as follows:

(e) A consolidated fire protection district shall not have notes outstanding at any one (1) time in excess of one hundred thousand dollars (\$100,000).

(2) The limitation of the excess outstanding note balance under this subsection (e) shall not apply to a consolidation of fire protection districts in a city of the first class that had two (2) or more full-time volunteer fire protection districts that received funding from the city.”

/s/ M. A. Salmon

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Jackson, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mahony, Martin, Matayo, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, 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.

Total90

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Cowling, Hutchinson, Jacobs, Mack, Mathis, Medley, Penix, Schulte, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative90

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw
Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2720

Amend HOUSE BILL NO. 2720 as engrossed, H3/20/03:

Page 2, lines 2 and 3, delete "ten thousand dollars (\$10,000)" and substitute "one thousand dollars (\$1,000)"

AND

Page 6, lines 3 and 4, delete "ten thousand dollars (\$10,000)" and substitute "one thousand dollars (\$1,000)".

/s/ Percy Malone

The Amendment was read and the vote was as follows:

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

Total89

NEGATIVE: Sullivan.

Total1

ABSENT OR NOT VOTING: Bolin, Boyd, Cowling, Harris, Mathis, Medley, Pate, Penix, Schulte, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast90

Total number voting in the affirmative89

Necessary to concur in the amendment51

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1386

Amend HOUSE BILL NO. 1386 as originally introduced:

Page 2, lines 4 and 5, delete "one hundred fifty thousand (150,000)" and substitute "two hundred thousand (200,000)"

/s/ Ed Wilkinson

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, 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.

Total91

NEGATIVE: Mahony.

Total1

ABSENT OR NOT VOTING: Boyd, Childers, Cowling, Dobbins, Harris, Penix, Schulte, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative91

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 2201

Amend HOUSE BILL NO. 2201 as engrossed, H3/13/03:

Page 1, delete lines 28 through 36 and substitute the following:

"(a)(1) During the progress of any election in this state, any candidate in person or by representative designated in writing ~~shall have the right to be present within the polling site or room so as to observe and ascertain the identity of those persons presenting themselves to vote for the purpose of challenging any voter who appears for the purpose of casting a ballot. The document designating a representative shall be sufficient if it contains the signature of the candidate and states that the candidate designates the person as a representative and is notarized by a notary attesting that the signature is that of the candidate. No additional requirement shall be imposed for the sufficiency of the document.~~ any group seeking the passage or defeat of a measure on the ballot by representative designated in writing, and any political party with a candidate on the ballot by representative designated in writing may:

(A) Have only one (1) representative present at any one (1) time at each location within a polling site where voters identify themselves to election officials, so as to observe and ascertain the identity of those persons presenting themselves to vote for the purpose of challenging any voter who appears for the purpose of casting a ballot; and

(B) Have only one (1) representative present at any one (1) time at each location within the absentee ballot processing site where absentee ballots are processed, so as to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote."

AND

Page 2, delete lines 5 through 7

AND

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

AND

Page 3, line 32 delete "(4)" and substitute "(3)"

AND

Page 4, delete lines 10 through 11 and substitute the following:

"time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;

Only one (1) poll watcher per candidate, group, or party at any one time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed;"

/s/ Steve Faris

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, 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, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Chesterfield, Gipson, House, Roebuck, Schulte, Thyer, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative92

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw

Chief Clerk

HOUSE BILL NO. 2816

BY: REPRESENTATIVE BOLIN

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, 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, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Childers, Jacobs, Pritchard, Schulte, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2816**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, 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, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Childers, Jacobs, Pritchard, Schulte, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Motion was made by Representative Bradford to recall **HOUSE BILL NO. 1737** from the Senate. Motion carried.

HOUSE BILL NO. 2710

BY: REPRESENTATIVE GREEN

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

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

Total92

NEGATIVE: Gipson, Milligan, Ormond, Scrimshire.

Total4

ABSENT OR NOT VOTING: Jackson, Jacobs, Schulte, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast.....96

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1074

BY: REPRESENTATIVE VERKAMP

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Childers, Cowling, Dangeau, Dees, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Kenney, Lamoureux, Ledbetter, Mack, Mahony, Martin, Mathis, Medley, Milligan, Moore, Napper, Norton, Oglesby, Ormond, Pace, Parks, Pate, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Verkamp, Weaver, Wood.

Total69

NEGATIVE: Blair, Chesterfield, Clemons, Dickinson, Dobbins, Eason, Elliott, Goss, Green, C. Johnson, Jones, Judy, Key, King, Lendall, Lewellen, Penix, Thomas, Thyer, Walters, White.

Total21

ABSENT OR NOT VOTING: Biggs, Creekmore, Gipson, Matayo, Nichols, L. Prater, Schulte, Scrimshire, R. Smith, Mr. Speaker.

Total10

VOTING PRESENT:

Total0

Total number of votes cast.....90

Total number voting in the affirmative69

Necessary to the passage of the bill51

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

Upon motion of Representative Verkamp the Clincher motion prevailed.

HOUSE BILL NO. 2749

BY: REPRESENTATIVE PICKETT

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

AFFIRMATIVE: Adams, Anderson, Berry, Blair, Bolin, Bond, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Elliott, L. Evans, Ferguson, Gillespie, Gipson, Goss, Green, Hardwick, Harris, Hathorn, Hickinbotham, Hutchinson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Mahony, Mathis, Moore, Napper, Oglesby, Pace, Penix, Petrus, Pickett, L. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thyer, Verkamp, Walters, White.

Total63

NEGATIVE: Agee, Bennett, Bledsoe, Dickinson, D. Evans, Haak, House, Kenney, Key, Lamoureux, Martin, Medley, Norton, Parks, Pate, Thomason, Wood.

Total17

ABSENT OR NOT VOTING: Biggs, P. Bookout, Eason, Jones, Mack, Matayo, Milligan, Nichols, Schulte, Seawel, C. Taylor, Thomas, Weaver, Mr. Speaker.

Total14

VOTING PRESENT: Edwards, Fite, Jackson, Lewellen, Ormond, S. Prater.

Total6

Total number of votes cast.....86

Total number voting in the affirmative63

Necessary to the passage of the bill51

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

Upon motion of Representative Pickett the Clincher motion prevailed.

HOUSE BILL NO. 1539

BY: REPRESENTATIVE MAHONY

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

AFFIRMATIVE: Anderson, Blair, Bledsoe, Bolin, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dobbins, Eason, Elliott, Ferguson, Gipson, Goss, Green, Haak, Hardwick, Hathorn, Jacobs, C. Johnson, J. Johnson, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Moore, Napper, Nichols, Pace, Penix, Pickett, S. Prater, Roebuck, Rosenbaum, R. Smith, Sumpter, Thomas, Walters, White, Wood.

Total48

NEGATIVE: Adams, Agee, Bennett, Berry, Bond, P. Bookout, Borhauer, Boyd, Dickinson, Edwards, D. Evans, L. Evans, Fite, Gillespie, Harris, Hickinbotham, House, Hutchinson, Jackson, Jeffrey, Kenney, Key, Lamoureux, Matayo, Medley, Milligan, Norton, Oglesby, Ormond, Parks, Pate, Petrus, L. Prater, Rankin, Scrimshire, Scroggin, Seawel, Sullivan, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Weaver.

Total44

ABSENT OR NOT VOTING: Biggs, Childers, Cowling, Jones, Pritchard, Schulte, Stovall, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative48

Necessary to the passage of the bill51

So the Bill failed.

HOUSE BILL NO. 2655

BY: REPRESENTATIVE C. JOHNSON

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, Bolin, Bond, P. Bookout, Boyd, Bradford, Bright, Chesterfield, Clemons, Creekmore, Dickinson, Dobbins, Eason, Elliott, D. Evans, L. Evans, Ferguson, Fite, Goss, Green, Haak, Hathorn, House, Jacobs, C. Johnson, J. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Moore, Napper, Norton, Parks, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, White, Wood.

Total62

NEGATIVE: Agee, Anderson, Bennett, Berry, Bledsoe, Borhauer, Dangeau, Edwards, Gillespie, Hardwick, Harris, Hickinbotham, Hutchinson, Jackson, Jeffrey, Kenney, Key, Nichols, Oglesby, Ormond, Pace, Stovall, Sumpter, Verkamp, Walters.

Total25

ABSENT OR NOT VOTING: Biggs, Childers, Cowling, Dees, Gipson, Matayo, Milligan, Pate, Schulte, Scroggin, Seawel, Weaver, Mr. Speaker.

Total13

VOTING PRESENT:

Total0

Total number of votes cast.....87

Total number voting in the affirmative62

Necessary to the passage of the bill51

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

Upon motion of Representative C. Johnson the Clincher motion prevailed.

Motion was made by Representative Harris to refer HOUSE BILL NO. 2903 back to the Committee on EDUCATION. Motion carried.

HOUSE BILL NO. 2453

BY: REPRESENTATIVE DANGEAU

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

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Cowling, J. Johnson, Key, Matayo, Mathis, Roebuck, Schulte, Thyer, White, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative89

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2453**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total89

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Cowling, J. Johnson, Key, Matayo, Mathis, Roebuck, Schulte, Thyer, White, Mr. Speaker.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....89

Total number voting in the affirmative89

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2696

BY: REPRESENTATIVE LEDBETTER

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, Berry, Biggs, Blair, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, 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, Kenney, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Medley, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Pace, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, White.

Total81

NEGATIVE: Agee, Ormond, Rankin.

Total3

ABSENT OR NOT VOTING: Bennett, Bledsoe, Bolin, Boyd, Cowling, Judy, Mathis, Parks, L. Prater, Schulte, C. Taylor, Weaver, Wood, Mr. Speaker.

Total14

VOTING PRESENT: King, Rosenbaum.

Total2

Total number of votes cast86

Total number voting in the affirmative81

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1752

BY: REPRESENTATIVE HAAK

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

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

Total87

NEGATIVE: Hathorn.

Total1

ABSENT OR NOT VOTING: Boyd, Cowling, Creekmore, L. Evans, Goss, Mathis, Moore, L. Prater, Schulte, Seawel, Mr. Speaker.

Total11

VOTING PRESENT: Lewellen.

Total1

Total number of votes cast.....89

Total number voting in the affirmative87

Necessary to the passage of the bill51

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

HOUSE BILL NO. 2294

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, Bolin, Bond, P. Bookout, Borhauer, Bright, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Harris, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Kenney, Key, Lamoureux, Ledbetter, Mack, Mahony, Martin, Matayo, Mathis, Medley, Moore, Napper, Nichols, Norton, Oglesby, Pace, Parks, Pate, Penix, Petrus, S. Prater, Pritchard, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, White, Wood.

Total74

NEGATIVE: Boyd, Bradford, Chesterfield, Clemons, Dobbins, Elliott, Gipson, Goss, J. Johnson, Jones, Judy, King, Lendall, Lewellen, Milligan, Ormond, Pickett, Rankin, Scrimshire, Sullivan, Thomas, Weaver.

Total22

ABSENT OR NOT VOTING: Hathorn, L. Prater, Schulte, Mr. Speaker.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative74

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1433

BY: REPRESENTATIVE LENDALL

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: Biggs, Blair, Bolin, Bond, P. Bookout, Boyd, Bradford, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pate, Pickett, L. Prater, S. Prater, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Weaver, Wood, Mr. Speaker.

Total56

NEGATIVE: Agee, Anderson, Berry, Bledsoe, Borhauer, Bright, Childers, L. Evans, Green, Haak, Hardwick, Harris, Hutchinson, Jackson, J. Johnson, Kenney, Key, Lamoureux, Mahony, Matayo, Medley, Norton, Pace, Parks, Penix, Petrus, Rankin, Roebuck, Rosenbaum, Scroggin, R. Smith, C. Taylor, J. Taylor, Thyer, Verkamp, Walters.

Total36

ABSENT OR NOT VOTING: Adams, Bennett, Chesterfield, Cowling, C. Johnson, Pritchard, Schulte, White.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative56

Necessary to the passage of the bill51

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

Upon motion of Representative Lendall the Clincher motion prevailed.

There being an Emergency Clause attached to **HOUSE BILL NO. 1433**, 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, Bennett, Biggs, Blair, Bond, P. Bookout, Boyd, Bradford, Chesterfield, Clemons, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jacobs, Jeffrey, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Pickett, L. Prater, S. Prater, Roebuck, Scrimshire, Seawel, Stovall, Sullivan, Sumpter, Thomas, Thomason, Weaver, Wood.

Total61

NEGATIVE: Agee, Anderson, Berry, Bledsoe, Bolin, Borhauer, Bright, Childers, L. Evans, Haak, Hardwick, Harris, Hutchinson, Jackson, Kenney, Key, Lamoureux, Matayo, Medley, Pace, Parks, Penix, Petrus, Rankin, Rosenbaum, Scroggin, C. Taylor, J. Taylor, Thyer, Verkamp, Walters.

Total31

ABSENT OR NOT VOTING: Cowling, Green, C. Johnson, Pritchard, Schulte, R. Smith, White, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative61

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was not adopted.

HOUSE BILL NO. 2263

BY: REPRESENTATIVE PACE

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

AFFIRMATIVE: Agee, Anderson, Berry, Biggs, Blair, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dobbins, Eason, Edwards, Ferguson, Fite, Goss, Green, Hardwick, Harris, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, King, Lamoureux, Lendall, Lewellen, Mack, Mahony, Medley, Moore, Nichols, Pace, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Stovall, Sumpter, C. Taylor, Thomas, Verkamp, Walters, White.

Total59

NEGATIVE: Bennett, Bond, Dickinson, L. Evans, Gillespie, Gipson, Haak, Hickinbotham, Key, Ledbetter, Milligan, Napper, Norton, Ormond, Pate, L. Prater, Scrimshire, Sullivan, Thomason, Thyer, Weaver, Wood.

Total22

ABSENT OR NOT VOTING: Adams, Bledsoe, Bolin, Boyd, Cowling, Creekmore, Elliott, D. Evans, Hathorn, Matayo, Oglesby, Parks, Penix, Petrus, Schulte, J. Taylor, Mr. Speaker.

Total17

VOTING PRESENT: Martin, Mathis.

Total2

Total number of votes cast.....83

Total number voting in the affirmative59

Necessary to the passage of the bill51

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

Upon motion of Representative Pace the Clincher motion prevailed.

HOUSE BILL NO. 2719

BY: REPRESENTATIVE VERKAMP

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

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

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: D. Evans, Goss, Jackson, Mack, L. Prater, Schulte, Sullivan, Thomas, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1015

BY: REPRESENTATIVE KING

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

AFFIRMATIVE: Adams, Agee, Anderson, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Gillespie, Gipson, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, 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, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Verkamp, Walters, Weaver, White, Wood.

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bennett, Boyd, Elliott, Fite, Goss, Jackson, C. Johnson, Lendall, L. Prater, Schulte, Thyer, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

HOUSE BILL NO. 1244

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

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Chesterfield, Cowling, Dangeau, Gillespie, Goss, Lamoureux, Mathis, L. Prater, Schulte, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative88

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 1244**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total88

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Chesterfield, Cowling, Dangeau, Gillespie, Goss, Lamoureux, Mathis, L. Prater, Schulte, Thomas, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast.....88

Total number voting in the affirmative88

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 812

BY: SENATOR GULLETT

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickenbotham, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bolin, Gillespie, Hardwick, Moore, L. Prater, Schulte, Sumpter, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

SENATE BILL NO. 939

BY: SENATOR STEELE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpster, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Moore, L. Prater, Schulte, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast.....95

Total number voting in the affirmative95

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 939**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, 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.

Total95

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Moore, L. Prater, Schulte, Mr. Speaker.

Total5

VOTING PRESENT:

Total0

Total number of votes cast95

Total number voting in the affirmative95

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 941

BY: SENATOR STEELE

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, 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, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Jackson, Matayo, Moore, L. Prater, Schulte, Sumpter, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast.....92

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 941**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, 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, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Boyd, Jackson, Matayo, Moore, L. Prater, Schulte, Sumpter, Mr. Speaker.

Total8

VOTING PRESENT:

Total0

Total number of votes cast92

Total number voting in the affirmative92

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 703

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, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, Lamoureux, Lendall, Lewellen, Mack, Mahony, Martin, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, 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.

Total91

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dickinson, Hardwick, King, Ledbetter, Matayo, Moore, L. Prater, Schulte, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

SENATE BILL NO. 771

BY: SENATOR SALMON

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

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

Total92

NEGATIVE: Lewellen.

Total1

ABSENT OR NOT VOTING: Hardwick, Jacobs, Matayo, L. Prater, Schulte, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 771**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total92

NEGATIVE: Lewellen.

Total1

ABSENT OR NOT VOTING: Hardwick, Jacobs, Matayo, L. Prater, Schulte, White, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 770

BY: SENATOR SALMON

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, 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, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Lamoureux, L. Prater, Schulte, Thomas, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 770**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, 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, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Hardwick, Lamoureux, L. Prater, Schulte, Thomas, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 714

BY: SENATOR SALMON

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

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

Total91

NEGATIVE: Clemons, Ormond.

Total2

ABSENT OR NOT VOTING: Creekmore, Hardwick, Lewellen, L. Prater, Schulte, Weaver, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative91

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 714**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

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

Total91

NEGATIVE: Clemons, Ormond.

Total2

ABSENT OR NOT VOTING: Creekmore, Hardwick, Lewellen, L. Prater, Schulte, Weaver, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative91

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 587

BY: SENATOR MILLER

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, 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.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Hardwick, Moore, Pickett, L. Prater, Schulte, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 587**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, 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.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Hardwick, Moore, Pickett, L. Prater, Schulte, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 443

BY: SENATOR MALONE

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, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood.

Total77

NEGATIVE: Anderson, Bledsoe, Harris, Kenney, King, Matayo, Mathis, Medley, Norton, Ormond, Pace, Parks, Rosenbaum, C. Taylor.

Total14

ABSENT OR NOT VOTING: Cowling, Creekmore, Hardwick, J. Johnson, Schulte, Stovall, Thomas, Verkamp, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast91

Total number voting in the affirmative77

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 443**, 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, Bennett, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, Key, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Walters, Weaver, White, Wood.

Total77

NEGATIVE: Anderson, Bledsoe, Harris, Kenney, King, Matayo, Mathis, Medley, Norton, Ormond, Pace, Parks, Rosenbaum, C. Taylor.

Total14

ABSENT OR NOT VOTING: Cowling, Creekmore, Hardwick, J. Johnson, Schulte, Stovall, Thomas, Verkamp, Mr. Speaker.

Total9

VOTING PRESENT:

Total0

Total number of votes cast.....91

Total number voting in the affirmative77

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

SENATE BILL NO. 399

BY: SENATOR HENDREN

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

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, 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, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Parks, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bright, Hardwick, Moore, Schulte, Stovall, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

SENATE BILL NO. 732

BY: SENATOR WILKINSON

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, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, 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, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE: Lendall.

Total1

ABSENT OR NOT VOTING: Adams, Bright, Hardwick, Milligan, Moore, Schulte, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative92

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 732**, 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, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Haak, Harris, Hathorn, Hickenbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, 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, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total92

NEGATIVE: Lendall.

Total1

ABSENT OR NOT VOTING: Adams, Bright, Hardwick, Milligan, Moore, Schulte, Mr. Speaker.

Total7

VOTING PRESENT:

Total0

Total number of votes cast93

Total number voting in the affirmative92

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

Motion was made by Representative Rosenbaum for immediate consideration of **SENATE BILL NO. 729**.

On this motion the ayes and nays were called for and the call was sustained. The Clerk called the roll. The vote was as follows:

AFFIRMATIVE: Adams, Agee, Anderson, Bennett, Berry, Bledsoe, P. Bookout, Borhauer, Boyd, Bright, Chesterfield, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Kenney, Key, King, Lamoureux, Mack, Matayo, Mathis, Moore, Napper, Nichols, Norton, Ormond, Pace, Parks, Penix, Petrus, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, C. Taylor, J. Taylor, Verkamp, Walters, Weaver.

Total65

NEGATIVE: Blair, Bond, Bradford, Clemons, Elliott, L. Evans, Goss, Ledbetter, Lendall, Lewellen, Mahony, Martin, Pate, Pickett, S. Prater, Sullivan, Sumpter, Thomas, Thomason, Thyer, Wood.

Total21

ABSENT OR NOT VOTING: Biggs, Bolin, Gipson, J. Johnson, Judy, Medley, Milligan, Oglesby, L. Prater, Schulte, Scrimshire, Stovall, White, Mr. Speaker.

Total14

VOTING PRESENT:

Total0

Total number of votes cast.....86

Total number voting in the affirmative65

Necessary to the adoption of the motion.....65

So the motion was adopted.

SENATE BILL NO. 729

BY: SENATOR GLOVER

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, Bledsoe, P. Bookout, Borhauer, Boyd, Bright, Childers, Cowling, Creekmore, Dangeau, Dees, Dickinson, Eason, D. Evans, Ferguson, Fite, Gillespie, Green, Haak, Hardwick, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, Kenney, Key, Lamoureux, Mack, Martin, Matayo, Mathis, Medley, Moore, Nichols, Norton, Ormond, Pace, Parks, Penix, Petrus, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scroggin, Seawel, R. Smith, Sumpter, C. Taylor, J. Taylor, Verkamp, Walters.

Total62

NEGATIVE: Blair, Bond, Bradford, Chesterfield, Clemons, Dobbins, Elliott, C. Johnson, Jones, Ledbetter, Lendall, Lewellen, Mahony, Pate, Pickett, Sullivan, Thomas, Thomason, Thyer, Wood.

Total20

ABSENT OR NOT VOTING: Biggs, Bolin, L. Evans, Gipson, Goss, J. Johnson, Judy, Milligan, Napper, Oglesby, Schulte, Scrimshire, Stovall, Weaver, White, Mr. Speaker.

Total16

VOTING PRESENT: Edwards, King.

Total2

Total number of votes cast84

Total number voting in the affirmative62

Necessary to the passage of the bill51

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

Upon motion of Representative Bledsoe the Clincher motion prevailed.

SENATE BILL NO. 176

BY: SENATOR MALONE

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

AFFIRMATIVE: Agee, Anderson, Bennett, Berry, Biggs, Blair, Bledsoe, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, Ferguson, Fite, Gillespie, Goss, Haak, Harris, Hathorn, Hickinbotham, House, Hutchinson, Jackson, Jacobs, Jeffrey, J. Johnson, Jones, Kenney, Key, King, Lamoureux, 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, Scroggin, Seawel, R. Smith, Stovall, Sullivan, Sumpter, C. Taylor, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total83

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Adams, Bolin, Dangeau, Elliott, L. Evans, Gipson, Green, Hardwick, C. Johnson, Judy, Milligan, Moore, Schulte, Scrimshire, Thomas, White, Mr. Speaker.

Total17

VOTING PRESENT:

Total0

Total number of votes cast.....83

Total number voting in the affirmative83

Necessary to the passage of the bill51

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

SENATE BILL NO. 194

BY: SENATOR J. BOOKOUT

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

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

Total87

NEGATIVE: Dobbins.

Total1

ABSENT OR NOT VOTING: Dangeau, Elliott, L. Evans, Hardwick, House, Lendall, Moore, Oglesby, Schulte, Stovall, Sumpter, Mr. Speaker.

Total12

VOTING PRESENT:

Total0

Total number of votes cast88

Total number voting in the affirmative87

Necessary to the passage of the bill51

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

SENATE BILL NO. 873

BY: SENATOR SALMON

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, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Ormond, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total85

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bledsoe, Dangeau, Elliott, Haak, Hardwick, House, Lendall, Moore, Oglesby, Parks, Petrus, Schulte, Stovall, Sumpter, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast.....85

Total number voting in the affirmative85

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 873**, 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, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Ormond, Pace, Pate, Penix, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Roebuck, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total85

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Bledsoe, Dangeau, Elliott, Haak, Hardwick, House, Lendall, Moore, Oglesby, Parks, Petrus, Schulte, Stovall, Sumpter, Mr. Speaker.

Total15

VOTING PRESENT:

Total0

Total number of votes cast85

Total number voting in the affirmative85

Necessary to the adoption of the emergency clause67

So the Emergency Clause was adopted.

SENATE BILL NO. 954

BY: SENATOR WOOLDRIDGE

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, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Bright, Chesterfield, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Scroggin, Seawel, R. Smith, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total84

NEGATIVE: Scrimshire.

Total1

ABSENT OR NOT VOTING: Bledsoe, Dangeau, Goss, Haak, Hardwick, House, Moore, Norton, Parks, Roebuck, Schulte, Stovall, Sumpter, Mr. Speaker.

Total14

VOTING PRESENT: Mahony.

Total1

Total number of votes cast.....86

Total number voting in the affirmative84

Necessary to the passage of the bill51

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

SENATE BILL NO. 560

BY: SENATOR WOOLDRIDGE

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, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bright, Childers, Clemons, Cowling, Creekmore, Dees, Dickinson, Dobbins, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Green, Harris, Hathorn, Hickinbotham, Hutchinson, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, Kenney, Key, King, Lamoureux, Ledbetter, Lendall, Lewellen, Mack, Mahony, Martin, Matayo, Mathis, Medley, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pace, Pate, Penix, Petrus, Pickett, L. Prater, S. Prater, Pritchard, Rankin, Rosenbaum, Scrimshire, Scroggin, Seawel, R. Smith, Stovall, Sullivan, C. Taylor, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total84

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Berry, Bledsoe, Bradford, Chesterfield, Dangeau, Goss, Haak, Hardwick, House, Moore, Parks, Roebuck, Schulte, Sumpter, White, Mr. Speaker.

Total16

VOTING PRESENT:

Total0

Total number of votes cast84

Total number voting in the affirmative84

Necessary to the passage of the bill51

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

Upon motion of Representative Weaver, **HOUSE BILL NO. 1481** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 5 TO HOUSE BILL NO. 1481

Amend **HOUSE BILL NO. 1481** as engrossed, 04/02/2003:

Page 3, delete lines 13 through 21 and substitute:

"(01) REGULAR SALARIES	\$ 724,636	\$ 744,201
(02) PERSONAL SERV MATCH	201,952	205,590
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	125,620	125,620
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	2,286	2,286
(04) GRANTS/AID	<u>5,000</u>	<u>5,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,059,494</u>	<u>\$ 1,082,698"</u>

AND

Page 5 delete lines 30 through 36 and substitute:

"(01) REGULAR SALARIES	\$ 309,702	\$ 318,064
(02) EXTRA HELP	18,500	8,500
(03) PERSONAL SERV MATCH	93,235	94,716
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	60,806	60,806
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0"

AND

Page 6, delete lines 1 and 2 and substitute:

" (E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 482,243</u>	<u>\$ 492,086"</u>

AND

Page 6 delete lines 32 through 36 and substitute:

"(01) REGULAR SALARIES	\$ 303,260	\$ 311,448
(02) PERSONAL SERV MATCH	80,587	82,037
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	88,770	88,770
(B) CONF. & TRAVEL	0	0"

AND

Page 7, delete lines 1 through 5 and substitute:

" (C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(04) GRANTS/AID – ARTS PROGRAMS	<u>499,192</u>	<u>499,192</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 971,809</u>	<u>\$ 981,447"</u>

AND

Page 8, delete lines 18 through 27 and substitute:

"(01) REGULAR SALARIES	\$ 624,859	\$ 641,730
(02) EXTRA HELP	37,902	37,902
(03) PERSONAL SERV MATCH	184,145	187,133
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	190,211	190,211
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,037,117</u>	<u>\$ 1,056,976"</u>

AND

Page 11, delete lines 7 through 15 and substitute:

"(01) REGULAR SALARIES	\$ 310,823	\$ 319,215
(02) PERSONAL SERV MATCH	81,927	83,413
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	70,150	70,150
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 462,900</u>	<u>\$ 472,778"</u>

AND

Page 13, delete lines 34 through 36 and substitute:

"(01) REGULAR SALARIES	\$ 582,214	\$ 597,934
(02) PERSONAL SERV MATCH	172,348	175,187
(03) MAINT. & GEN. OPERATION		"

AND

Page 14, delete lines 1 through 6 and substitute:

" (A) OPER. EXPENSE	113,044	113,044
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 867,606</u>	<u>\$ 886,165"</u>

AND

Insert an additional section immediately following SECTION 25 to read as follows:

" SECTION 26. APPROPRIATION - MOSAIC TEMPLARS CULTURAL CENTER - STATE. There is hereby appropriated to the Department of Arkansas Heritage - Mosaic Templars Cultural Center, to be payable from the Arkansas Heritage Fund Account, for personal services and operating expenses of the Department of Arkansas Heritage - Mosaic Templars Cultural Center for the biennial period ending June 30, 2005, the following:

ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 96,185	\$ 98,782
(02) EXTRA HELP	9,465	9,465
(03) PERSONAL SERV MATCH	27,844	28,304
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	74,925	74,925
(B) CONF. & TRAVEL	7,000	7,000
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	41,000	37,943
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 356,419</u>	<u>\$ 356,419"</u>

And appropriately 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 Weaver, **HOUSE BILL NO. 1978** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1978

Amend **HOUSE BILL NO. 1978** as engrossed, 3/28/03:

Page 2, line 1, insert "Department" between "Health" and "Building"

And

Page 2, line 1, insert "Grant" between "Local" and "Trust"

/s/ Paul Weaver

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

SENATE BILL NO. 82

BY: JOINT BUDGET COMMITTEE

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, Bolin, Bond, Borhauer, Boyd, Bradford, Clemons, Cowling, Creekmore, Dees, Dickinson, Eason, Edwards, Elliott, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, Jones, Judy, King, Lamoureux, Ledbetter, Lewellen, Martin, Mathis, Milligan, Napper, Nichols, Norton, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total64

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Agee, Anderson, Bennett, Berry, Biggs, Bledsoe, P. Bookout, Bright, Chesterfield, Childers, Dangeau, Dobbins, Green, Haak, Hardwick, Harris, Hutchinson, J. Johnson, Kenney, Key, Mack, Matayo, Medley, Moore, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, White, Mr. Speaker.

Total34

VOTING PRESENT: Lendall, Mahony.

Total2

Total number of votes cast.....66

Total number voting in the affirmative64

Necessary to the passage of the bill75

So the Bill failed.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

SENATE BILL NO. 379

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bolin, Bond, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gillespie, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lendall, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Ormond, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomason, Thyer, Verkamp, Walters, Weaver, White, Wood.

Total70

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Agee, Anderson, Bennett, Bledsoe, P. Bookout, Bright, Childers, Elliott, Green, Haak, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Mack, Matayo, Medley, Norton, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, Thomas, Mr. Speaker.

Total30

VOTING PRESENT:

Total0

Total number of votes cast70

Total number voting in the affirmative70

Necessary to the passage of the bill75

So the Bill failed.

Upon motion of Representative Weaver the rules were suspended. Considered in the Committee of the Whole. Returned with the recommendation that it "DO PASS".

HOUSE BILL NO. 1372

BY: JOINT BUDGET COMMITTEE

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

AFFIRMATIVE: Adams, Berry, Biggs, Blair, Bolin, Bond, P. Bookout, Borhauer, Boyd, Bradford, Chesterfield, Clemons, Cowling, Creekmore, Dangeau, Dees, Dickinson, Dobbins, Eason, Edwards, D. Evans, L. Evans, Ferguson, Fite, Gipson, Goss, Hathorn, Hickinbotham, House, Jackson, Jacobs, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lewellen, Mahony, Martin, Mathis, Milligan, Moore, Napper, Nichols, Oglesby, Pate, Petrus, Pickett, L. Prater, S. Prater, Rankin, Roebuck, Scrimshire, Scroggin, Seawel, Stovall, Sullivan, Sumpter, J. Taylor, Thomas, Thomason, Thyer, Verkamp, Walters, Weaver, Wood.

Total68

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Agee, Anderson, Bennett, Bledsoe, Bright, Childers, Elliott, Gillespie, Green, Haak, Hardwick, Harris, Hutchinson, Kenney, Key, Lamoureux, Lendall, Mack, Matayo, Medley, Norton, Ormond, Pace, Parks, Penix, Pritchard, Rosenbaum, Schulte, R. Smith, C. Taylor, White, Mr. Speaker.

Total32

VOTING PRESENT:

Total0

Total number of votes cast68

Total number voting in the affirmative68

Necessary to the passage of the bill75

So the Bill failed.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1015 BY REPRESENTATIVE KING
 HOUSE BILL NO. 1074 BY REPRESENTATIVE VERKAMP
 HOUSE BILL NO. 1244 BY REPRESENTATIVE R. SMITH
 HOUSE BILL NO. 1433 BY REPRESENTATIVE LENDALL
 EMERGENCY CLAUSE HAVING FAILED OF ADOPTION
 HOUSE BILL NO. 1752 BY REPRESENTATIVE HAAK
 HOUSE BILL NO. 2263 BY REPRESENTATIVE PACE
 HOUSE BILL NO. 2294 BY REPRESENTATIVE LAMOUREUX
 HOUSE BILL NO. 2453 BY REPRESENTATIVE DANGEAU
 HOUSE BILL NO. 2655 BY REPRESENTATIVE C. JOHNSON
 HOUSE BILL NO. 2696 BY REPRESENTATIVE LEDBETTER
 HOUSE BILL NO. 2710 BY REPRESENTATIVE GREEN
 HOUSE BILL NO. 2719 BY REPRESENTATIVE VERKAMP
 HOUSE BILL NO. 2749 BY REPRESENTATIVE PICKETT
 HOUSE BILL NO. 2816 BY REPRESENTATIVE BOLIN

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 176 BY SENATOR MALONE
 SENATE BILL NO. 194 BY SENATOR J. BOOKOUT
 AS AMENDED #1
 SENATE BILL NO. 399 BY SENATOR HENDREN
 AS AMENDED #1
 SENATE BILL NO. 420 BY SENATOR MADISON
 AS AMENDED #1
 SENATE BILL NO. 443 BY SENATOR MALONE
 SENATE BILL NO. 560 BY SENATOR WOOLDRIDGE
 AS AMENDED #1
 SENATE BILL NO. 587 BY SENATOR MILLER
 SENATE BILL NO. 703 BY SENATOR BAKER
 SENATE BILL NO. 714 BY SENATOR SALMON
 SENATE BILL NO. 729 BY SENATOR GLOVER
 SENATE BILL NO. 732 BY SENATOR WILKINSON
 AS AMENDED #1

SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED.(continued)

SENATE BILL NO. 770 BY SENATOR SALMON
 SENATE BILL NO. 771 BY SENATOR SALMON
 SENATE BILL NO. 812 BY SENATOR GULLETT
 SENATE BILL NO. 873 BY SENATOR SALMON
 SENATE BILL NO. 939 BY SENATOR STEELE
 SENATE BILL NO. 941 BY SENATOR STEELE
 SENATE BILL NO. 954 BY SENATOR WOOLDRIDGE

SENATE CONCURRENT RESOLUTIONS CONCURRED IN
 AND ORDERED RETURNED TO THE SENATE

SENATE CONCURRENT RESOLUTION NO. 28 BY SENATOR MILLER

ARKANSAS SENATE
 HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1206 BY JOINT BUDGET COMMITTEE
 HOUSE BILL NO. 1272 BY REPRESENTATIVE OGLESBY
 HOUSE BILL NO. 1487 BY REPRESENTATIVE P. BOOKOUT
 HOUSE BILL NO. 1571 BY REPRESENTATIVE NAPPER
 AS AMENDED #1
 HOUSE BILL NO. 1588 BY REPRESENTATIVE MARTIN
 AS AMENDED #1
 HOUSE BILL NO. 1629 BY REPRESENTATIVE J. TAYLOR
 HOUSE BILL NO. 1630 BY REPRESENTATIVE J. TAYLOR
 HOUSE BILL NO. 1631 BY REPRESENTATIVE J. TAYLOR
 HOUSE BILL NO. 1738 BY REPRESENTATIVE MILLIGAN
 HOUSE BILL NO. 1836 BY REPRESENTATIVE ANDERSON
 HOUSE BILL NO. 1889 BY REPRESENTATIVE HATHORN
 AS AMENDED #1
 HOUSE BILL NO. 1935 BY REPRESENTATIVE ADAMS
 AS AMENDED #1
 HOUSE BILL NO. 1937 BY REPRESENTATIVE ADAMS
 AS AMENDED #1

HOUSE BILL NO. 1938 BY REPRESENTATIVE ADAMS
AS AMENDED #1 & 2
HOUSE BILL NO. 1965 BY REPRESENTATIVE HAAK
HOUSE BILL NO. 2206 BY REPRESENTATIVE HAAK
HOUSE BILL NO. 2229 BY REPRESENTATIVE STOVALL
HOUSE BILL NO. 2336 BY REPRESENTATIVE SCHULTE
AS AMENDED #1, 2, 3
HOUSE BILL NO. 2349 BY REPRESENTATIVE CHILDERS
AS AMENDED #1
HOUSE BILL NO. 2359 BY REPRESENTATIVE NAPPER
HOUSE BILL NO. 2391 BY REPRESENTATIVE STOVALL
HOUSE BILL NO. 2392 BY REPRESENTATIVE STOVALL
HOUSE BILL NO. 2393 BY REPRESENTATIVE STOVALL
HOUSE BILL NO. 2478 BY REPRESENTATIVE HARRIS
HOUSE BILL NO. 2506 BY REPRESENTATIVE BRADFORD
AS AMENDED #1
HOUSE BILL NO. 2571 BY REPRESENTATIVE LEDBETTER
HOUSE BILL NO. 2599 BY REPRESENTATIVE KEY
HOUSE BILL NO. 2643 BY REPRESENTATIVE KING
HOUSE BILL NO. 2729 BY REPRESENTATIVE MATAYO
HOUSE BILL NO. 2819 BY REPRESENTATIVE LAMOUREUX
HOUSE BILL NO. 2845 BY REPRESENTATIVE PACE
HOUSE BILL NO. 2862 BY REPRESENTATIVE THYER
HOUSE BILL NO. 2863 BY REPRESENTATIVE THYER

ARKANSAS SENATE
NOTICE OF RETURN OF HOUSE BILLS

HOUSE BILL NO. 1737 BY REPRESENTATIVE BRADFORD

ARKANSAS SENATE
HOUSE CONCURRENT RESOLUTIONS CONCURRED IN
AND RETURNED TO THE HOUSE

HOUSE CONCURRENT RESOLUTION NO. 1030 BY REPRESENTATIVE KING

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 43	BY SENATOR T. SMITH
SENATE BILL NO. 94	BY SENATOR FARIS
SENATE BILL NO. 108	BY SENATOR FARIS
SENATE BILL NO. 113	BY SENATOR FARIS
SENATE BILL NO. 203	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 319	BY SENATOR BROADWAY
SENATE BILL NO. 333	BY SENATOR MILLER
SENATE BILL NO. 463	BY SENATOR G. JEFFRESS
SENATE BILL NO. 464	BY SENATOR G. JEFFRESS
SENATE BILL NO. 465	BY SENATOR G. JEFFRESS
SENATE BILL NO. 466	BY SENATOR G. JEFFRESS
SENATE BILL NO. 467	BY SENATOR G. JEFFRESS
SENATE BILL NO. 553	BY SENATOR MILLER
SENATE BILL NO. 567	BY SENATOR MILLER
SENATE BILL NO. 568	BY SENATOR MILLER
SENATE BILL NO. 569	BY SENATOR MILLER
SENATE BILL NO. 570	BY SENATOR MILLER
SENATE BILL NO. 571	BY SENATOR MILLER
SENATE BILL NO. 572	BY SENATOR MILLER
SENATE BILL NO. 574	BY SENATOR MILLER
SENATE BILL NO. 576	BY SENATOR MILLER
SENATE BILL NO. 577	BY SENATOR MILLER
SENATE BILL NO. 578	BY SENATOR MILLER
SENATE BILL NO. 579	BY SENATOR MILLER
SENATE BILL NO. 580	BY SENATOR MILLER
SENATE BILL NO. 581	BY SENATOR MILLER
SENATE BILL NO. 582	BY SENATOR MILLER
SENATE BILL NO. 583	BY SENATOR MILLER
SENATE BILL NO. 584	BY SENATOR MILLER
SENATE BILL NO. 585	BY SENATOR MILLER
SENATE BILL NO. 586	BY SENATOR MILLER
SENATE BILL NO. 588	BY SENATOR MILLER
SENATE BILL NO. 589	BY SENATOR MILLER
SENATE BILL NO. 590	BY SENATOR CRITCHER
SENATE BILL NO. 591	BY SENATOR CRITCHER

SENATE BILL NO. 593 BY SENATOR CRITCHER
SENATE BILL NO. 594 BY SENATOR CRITCHER
SENATE BILL NO. 595 BY SENATOR CRITCHER
SENATE BILL NO. 596 BY SENATOR CRITCHER
SENATE BILL NO. 597 BY SENATOR CRITCHER
SENATE BILL NO. 598 BY SENATOR CRITCHER
SENATE BILL NO. 618 BY SENATOR MADISON
SENATE BILL NO. 658 BY SENATOR J. JEFFRESS
SENATE BILL NO. 661 BY SENATOR MILLER
SENATE BILL NO. 689 BY SENATOR CRITCHER
SENATE BILL NO. 695 BY SENATOR ALTES
SENATE BILL NO. 724 BY SENATOR MADISON
SENATE BILL NO. 856 BY SENATOR BRYLES
SENATE BILL NO. 940 BY SENATOR STEELE
SENATE BILL NO. 944 BY SENATOR STEELE

ENROLLED AND DELIVERY TO GOVERNOR REPORTS

Little Rock, Arkansas

April 7, 2003

MR. SPEAKER:

We, your committee on Enrolled Bills, to whom was referred the following:

HOUSE BILL NO. 2325 BY REPRESENTATIVE BRADFORD

HOUSE BILL NO. 2372 BY REPRESENTATIVE KING

HOUSE BILL NO. 2417 BY REPRESENTATIVE PENIX

HOUSE BILL NO. 2641 BY REPRESENTATIVE KING

HOUSE BILL NO. 2825 BY REPRESENTATIVE HATHORN

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 1:33 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

/s/ Herschel W. Cleveland

Chairman

RECEIPT FROM THE GOVERNOR

RECEIVED FROM THE HOUSE:

HOUSE BILL NO. 2325 BY REPRESENTATIVE BRADFORD

HOUSE BILL NO. 2372 BY REPRESENTATIVE KING

HOUSE BILL NO. 2417 BY REPRESENTATIVE PENIX

HOUSE BILL NO. 2641 BY REPRESENTATIVE KING

HOUSE BILL NO. 2825 BY REPRESENTATIVE HATHORN

/s/ Mike Huckabee - Governor

TIME: 1:33 p.m.

By: Cory Cox

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

April 7, 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 NO. 1737.

Respectfully submitted,

/s/ Jo Renshaw
Chief Clerk, House of Representatives

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

April 7, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on April 7, 2003, I approved the following measures from the Regular Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 1359, which is now Act 1110 of 2003, and
HOUSE BILL NO. 1458, which is now Act 1111 of 2003, and
HOUSE BILL NO. 1634, which is now Act 1112 of 2003, and
HOUSE BILL NO. 2268, which is now Act 1113 of 2003, and
HOUSE BILL NO. 2344, which is now Act 1114 of 2003, and
HOUSE BILL NO. 2373, which is now Act 1115 of 2003, and
HOUSE BILL NO. 2375, which is now Act 1116 of 2003, and
HOUSE BILL NO. 2401, which is now Act 1117 of 2003, and
HOUSE BILL NO. 2440, which is now Act 1118 of 2003, and
HOUSE BILL NO. 2489, which is now Act 1119 of 2003, and
HOUSE BILL NO. 2516, which is now Act 1120 of 2003, and
HOUSE BILL NO. 2758, which is now Act 1121 of 2003, and
HOUSE BILL NO. 2868, which is now Act 1122 of 2003.

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

State of Arkansas
Office of the Governor

Mike Huckabee
Governor

April 7, 2003

TO THE SPEAKER OF THE HOUSE

Dear Mr. Speaker:

This is to inform your Honorable Body that on April 4, 2003, I approved the following measures from the Regular Session of the Eighty-Fourth General Assembly:

HOUSE BILL NO. 2284, which is now Act 1103 of 2003, and
HOUSE BILL NO. 2326, which is now Act 1104 of 2003, and
HOUSE BILL NO. 2402, which is now Act 1105 of 2003, and
HOUSE CONCURRENT RESOLUTION 1013, and
HOUSE CONCURRENT RESOLUTION 1015, and
HOUSE CONCURRENT RESOLUTION 1025, and
HOUSE CONCURRENT RESOLUTION 1026, and
HOUSE CONCURRENT RESOLUTION 1028, and
HOUSE CONCURRENT RESOLUTION 1036.

Sincerely,

/s/ Mike Huckabee

MH:sm

cc: President of the Senate

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: April 07, 2003
SUBJECT: Amendment #5 to House Bill 1481

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #5 to HB1481. The first line of the Amendment should read as follows:

"Page 4, delete lines 13 through 21 and substitute:"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB1481.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

STATE OF ARKANSAS
HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Whom It May Concern
FROM: House Committee on the Journal; Engrossed and Enrolled Bills
DATE: April 07, 2003
SUBJECT: Amendment #3 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 #3 to HB2337.

The first line of the Amendment should read as follows:

"Page 1, delete lines 28 through 30 and substitute the following:"

The third paragraph of the Amendment should read as follows:

"Page 7, line 13, delete "shift;" and substitute "shift, provided that the amount of time the direct-care personnel are late shall be made up by the same or other direct-care personnel at the beginning of the next shift;"

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

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

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: April 07, 2003
SUBJECT: Amendment #2 to House Bill 2528

The House Committee on the Journal; Engrossed and Enrolled Bills, by this letter, approves the correction of an error in Amendment #2 to HB2528. The first paragraph of the Amendment should read as follows:

"Add Representatives Biggs, Anderson, Key, Parks, Bledsoe, Matayo, Kenny, House, Hutchinson, Harris, Martin, Borhauer, L. Evans, Agee, Rosenbaum, R. Smith, Pace, Sullivan, Berry, Schulte, Bright, Creekmore, Walters and Hathorn as cosponsors of the bill"

The Committee authorizes the Chief Clerk to carry out the intent of the amendment by correctly engrossing HB2528.

/s/ Herschel W. Cleveland
Speaker of the House

/s/ Jodie Mahony

/s/ Mike Creekmore, Chairman
House Rules

/s/ Lenville Evans

/s/ Robert J. White, Chairman
House Management Committee

/s/ Tim Massanelli, Parliamentarian

cc: Jo Renshaw, Chief Clerk

HOUSE RESOLUTION NO. 1040

BY: REPRESENTATIVE GOSS

A BILL FOR AN ACT TO BE ENTITLED HONORING AND RECOGNIZING MRS. MAGGIE HULETT, OF OSCEOLA, ARKANSAS, WHO IS 103 YEARS OLD.

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. 43

BY: SENATOR T. SMITH

A BILL FOR AN ACT TO BE ENTITLED ARKANSAS CODE § 24-11-820 IS AMENDED TO ALLOW THE FIREMEN'S RELIEF AND PENSION FUND TO PAY BENEFITS TO THE SPOUSE OF MEMBERS WHO MARRY AFTER RETIREMENT; TO ALLOW SPOUSES TO CONTINUE TO RECEIVE BENEFITS AFTER REMARRIAGE IN CERTAIN CASES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 108

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO REQUIRE CERTAIN EMPLOYEES OF MUNICIPALITIES THAT ARE PARTICIPATING EMPLOYERS UNDER THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO BECOME MEMBERS OF THE SYSTEM UNLESS THEY OPT OUT; TO EXTEND THE DEFINITION OF PAID NONUNIFORMED EMPLOYEES IN MUNICIPALITIES WITH NONUNIFORMED EMPLOYEES' PENSION FUNDS; AND FOR OTHER PURPOSES.*

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

SENATE BILL NO. 113

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE WITHDRAWAL OF MEMBERS OF THE GENERAL ASSEMBLY FROM PARTICIPATION IN THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

SENATE BILL NO. 133

BY: SENATORS STEELE, ALTES, MADISON, WHITAKER

BY: REPRESENTATIVES BRADFORD, MAHONY, JUDY, WOOD, LENDALL, MARTIN, PENIX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TITLE 17, CHAPTER 97, RELATING TO PSYCHOLOGISTS AND PSYCHOLOGICAL EXAMINERS; 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. 265

BY: SENATOR ALTES

BY: REPRESENTATIVE JUDY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE THE TREATMENT OF CHRONIC INTRACTABLE PAIN; TO INFORM PHYSICIANS ABOUT THE AVAILABLE METHODS FOR TREATING CHRONIC PAIN; 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. 319

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO STUDY, MAKE RECOMMENDATIONS AND REPORT WHAT CONSTITUTES AN ADEQUATE SCHOOL FACILITY BY THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER - JOINT COMMITTEE ON EDUCATIONAL FACILITIES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 333

BY: SENATOR MILLER

BY: REPRESENTATIVE WEAVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION TO THE OZARKA COLLEGE FOR VARIOUS INSTITUTIONAL FACILITIES AND IMPROVEMENTS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and placed on the Calendar.

SENATE BILL NO. 618

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO LIMIT THE NUMBER OF SPECIAL ELECTIONS IN A CALENDAR YEAR; 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. 695

BY: SENATOR ALTES

BY: REPRESENTATIVE PENIX

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE § 26-55-211 PERTAINING TO THE BORDER CITY MOTOR FUEL TAX RATE; 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. 719

BY: SENATOR J. BOOKOUT

BY: REPRESENTATIVE P. BOOKOUT

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ESTABLISH THE CRIMINAL JUSTICE DEPARTMENT AT THE UNIVERSITY OF ARKANSAS AT LITTLE ROCK AS THE LEAD AGENCY AND ENTITY RESPONSIBLE FOR THE OVERSIGHT AND OPERATION OF THE ARKANSAS POLICE CORPS PROGRAM; 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. 720

BY: SENATORS J. BOOKOUT, CAPPS, GLOVER, *CRITCHER*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE PRISON OVERCROWDING EMERGENCY POWERS ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 724

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES AND SANITATION AUTHORITIES TO ENTER INTO DESIGN-BUILD-OPERATE CONTRACTS; 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. 728

BY: SENATOR CAPPS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE VARIOUS PROVISIONS OF THE ARKANSAS MOTOR VEHICLE COMMISSION ACT FOR ENFORCEMENT, WARRANTY AGREEMENTS, AND UNLAWFUL ACTIVITIES FOR MANUFACTURERS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

SENATE BILL NO. 733

BY: SENATOR MALONE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REVISE THE MOTOR VEHICLE DOCUMENTARY FEES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC TRANSPORTATION.

SENATE BILL NO. 762

BY: SENATORS STEELE, BROWN, B. JOHNSON, LAVERTY, SALMON

BY: REPRESENTATIVE JONES

A BILL FOR AN ACT TO BE ENTITLED THE ARKANSAS PRICE GOUGING ACT OF 2003.

Was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 772

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO DELETE THE REQUIREMENT THAT FINGERPRINTS OF APPLICANTS FOR A NURSING LICENSE BE DESTROYED; 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. 817

BY: SENATOR WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT AN ACT TO AMEND § 11(d)(2) OF AMENDMENT 51 TO THE ARKANSAS CONSTITUTION, REGARDING CANCELLATION OF REGISTRATION AND THE RESTORATION OF A FELON'S RIGHT TO VOTE; 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. 820

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE PAYROLL DEDUCTION SECTION OF THE GENERAL ACCOUNTING AND BUDGETARY PROCEDURES LAW; 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. 856

BY: SENATOR BRYLES

BY: REPRESENTATIVE CHILDERS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE ARKANSAS BOLL WEEVIL SUPPRESSION ERADICATION ACT; 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. 907

BY: SENATORS B. JOHNSON, BROADWAY, FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ASSURE FREEDOM OF CHOICE FOR INDIVIDUALS RECEIVING SERVICES FROM LICENSED AUDIOLOGISTS; TO ASSURE EQUAL PAYMENT OR REIMBURSEMENT TO LICENSED AUDIOLOGISTS; 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. 940

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND TOURISM TO DEVELOP A COMPREHENSIVE PLAN TO FOCUS ON MINORITY TOURISM; 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. 944

BY: SENATOR STEELE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MINORITY BUSINESS ENTERPRISE OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT CENTRALIZE THE *REGISTRY* OF MINORITY BUSINESS ENTERPRISES; TO CREATE A MINORITY BUSINESS ENTERPRISES CERTIFICATION PROCESS; 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. 974

BY: SENATOR J. JEFFRESS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE TASK FORCE ON SUBSTANCE ABUSE TREATMENT SERVICES; 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.

Upon motion of Representative Gillespie, the House adjourned at 4:40 p.m. until 1:30 p.m. Tuesday, April 8, 2003.

ATTEST:

Herschel W. Cleveland
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk