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**EIGHTY-NINTH DAY'S PROCEEDINGS
SENATE CHAMBER
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION**

Little Rock, Arkansas

April 11, 2003

The Senate was called to order at 11:00 o'clock a.m. by the President.

The Secretary called the roll, and the following members answered to roll call:

ALTES, ARGUE, BAKER, BISBEE, BOOKOUT,
BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER,
FARIS, GLOVER, GULLETT, HENDREN,
HIGGINBOTHOM, HILL, HOLT, HORN, G.JEFFRESS,
J.JEFFRESS, JOHNSON, LAVERTY, LUKER, MADISON,
MALONE, MILLER, SALMON, SMITH, STEELE,
WHITAKER, WILKINS, WOMACK, WOOLDRIDGE.

Leave requested for Senators Trusty and Wilkinson.

The Senate was led in prayer by Evangelist Sonny Childs from Union Central Church of Christ in Paragould.

The Senate was led in the Pledge of Allegiance by the President.

On motion of Senator Baker, the reading of the Journal was dispensed with.

On motion of Senator Wilkins, **Senate Bill No. 969** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 969

Amend **Senate Bill No. 969** as originally introduced:

Page 1, delete line 9 and substitute:

“AN ACT TO ENHANCE THE SENTENCE OF ANY PERSON COMMITTING A FELONY THAT INVOLVES AN INTOLERABLE ACT; AND FOR OTHER PURPOSES.”

And

Page 1, delete line 12 and substitute:

“AN ACT TO ENHANCE THE SENTENCE OF ANY PERSON COMMITTING A FELONY THAT INVOLVES AN INTOLERABLE ACT.”

AND

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 5-4-501 is amended to read as follows:
5-4-501. Habitual offenders - Sentencing for felony.

(a)(1) A defendant meeting the following criteria may be sentenced to an extended term of imprisonment as set forth in subdivision (a)(2) of this section:

(A) A defendant who is convicted of a felony other than those enumerated in subsections (c) and (d) of this section committed after June 30, 1993, and who has previously been convicted of more than one (1) but fewer than four (4) felonies or who has been found guilty of more than one (1) but fewer than four (4) felonies;

(B) A defendant who is convicted of any felony enumerated in subsection (c) of this section committed after August 31, 1997, and who has previously been convicted of more than one (1) but fewer than four (4) felonies not enumerated in subsection (c) of this section or who has been found guilty of more than one (1) but fewer than four (4) felonies not enumerated in subsection (c) of this section; ~~or~~

(C) A defendant who is convicted of any felony enumerated in subsection (d) of this section committed after August 31, 1997, and who has previously been convicted of more than one (1) but fewer than four (4) felonies not enumerated in subsection (d) of this section or who has been found guilty of more than one (1) but fewer than four (4) felonies not enumerated in subsection (d) of this section; or

(D) A defendant who pleads guilty or nolo contendere to, or is found guilty of any felony that in the course of and in the furtherance of the felony the defendant committed an intolerable act enumerated in subsection (i) of this section.

(2) The extended terms of imprisonment for the defendants described in subdivision (a)(1) of this section are as follows:

(A) For a conviction of a Class Y felony, a term of not less than ten (10) years nor more than sixty (60) years, or life;

(B) For a conviction of a Class A felony, a term of not less than six (6) years nor more than fifty (50) years;

(C) For a conviction of a Class B felony, a term of not less than five (5) years nor more than thirty (30) years;

(D) For a conviction of a Class C felony, a term of not less than three (3) years nor more than twenty (20) years;

(E) For a conviction of a Class D felony, a term of not more than twelve (12) years;

(F) For a conviction of an unclassified felony punishable by less than life imprisonment, not more than five (5) years more than the maximum sentence for the unclassified offense; and

(G) For a conviction of an unclassified felony punishable by life imprisonment, not less than ten (10) years nor more than fifty (50) years, or life.

(b)(1) A defendant meeting the following criteria may be sentenced to an extended term of imprisonment as set forth in subdivision (b)(2) of this section:

(A) A defendant who is convicted of a felony other than those enumerated in subsections (c) and (d) of this section committed after June 30, 1993, and who has previously been convicted of four (4) or more felonies or who has been found guilty of four (4) or more felonies;

(B) A defendant who is convicted of any felony enumerated in subsection (c) of this section committed after June 30, 1997, and who has previously been convicted of four (4) or more felonies not enumerated in subsection (c) of this section or who has been found guilty of four (4) or more felonies not enumerated in subsection (c) of this section; ~~or~~

(C) A defendant who is convicted of any felony enumerated in subsection (d) of this section committed after June 30, 1997, and who has previously been convicted of four (4) or more felonies not enumerated in subsection (d) of this section or who has been found guilty of four (4) or more felonies not enumerated in subsection (d) of this section; or

(D) A defendant who pleads guilty or nolo contendere to, or is found guilty of any felony and who has previously plead guilty or nolo contendere to, or been found guilty of a felony that in the course of and in the furtherance of the felony the defendant committed an intolerable act enumerated in subsection (i) of this section.

(2) The extended terms of imprisonment for the defendants described in subdivision (b)(1) of this section are as follows:

(A) For a conviction of a Class Y felony, a term of not less than ten (10) years nor more than life;

(B) For a conviction of a Class A felony, a term of not less than six (6) years nor more than sixty (60) years;

(C) For a conviction of a Class B felony, a term of not less than five (5) years nor more than forty (40) years;

(D) For a conviction of a Class C felony, a term of not less than three (3) years nor more than thirty (30) years;

(E) For a conviction of a Class D felony, a term of not more than fifteen (15) years;

(F) For a conviction of an unclassified felony punishable by less than life imprisonment, not more than twice the maximum sentence for the unclassified offense; and

(G) For a conviction of an unclassified felony punishable by life imprisonment, not less than ten (10) years nor more than fifty (50) years, or life.

(c)(1) A defendant who is convicted of a serious felony involving violence enumerated in subdivision (c)(2) of this section, or a defendant who pleads guilty or nolo contendere to, or is found guilty of any felony that in the course of and in the furtherance of the felony offense the defendant committed an intolerable act enumerated in subsection (i) of this section, and who has previously been convicted of one (1) or more of the serious felonies involving violence or an intolerable act enumerated in subdivision (c)(2) and subsection (i) of this section shall be sentenced to imprisonment without eligibility except under § 16-93-1302 for parole or community punishment transfer for a term of not less than forty (40) years nor more than eighty (80) years, or life.

(2) For the purposes of this subsection, a serious felony involving violence shall mean:

(A) Any of the following felonies:

- (i) Murder in the first degree, § 5-10-102;
- (ii) Murder in the second degree, § 5-10-103;
- (iii) Kidnapping, § 5-11-102, involving activities making it

a Class Y felony;

- (iv) Aggravated robbery, § 5-12-103;
- (v) Rape, § 5-14-103;
- (vi) Terroristic act, § 5-13-310, involving activities making

it a Class Y felony;

(vii) Causing a catastrophe, § 5-38-202(a); or

(B) A conviction of a comparable serious felony involving violence from another jurisdiction.

(3)(A) The following procedure shall govern trials at which a sentence to an extended term of imprisonment is sought pursuant to this subsection:

(i) The jury shall first hear all evidence relevant to the serious felony involving violence, or an intolerable act, with which the defendant is currently charged and shall retire to reach a verdict of guilt or innocence on this charge;

(ii)(a) If the defendant is found guilty of the serious felony involving violence, or an intolerable act, the trial court, out of the hearing of the jury, shall hear evidence of whether the defendant has pleaded guilty or nolo contendere to, or been found guilty of, a prior serious felony involving violence or an intolerable act and shall determine the number of such prior felony convictions, if any.

(b) The defendant shall have the right to hear and controvert this evidence and to offer evidence in his or her support;

(iii)(a) The trial court shall then instruct the jury as to the number of previous convictions for serious felonies involving violence or an intolerable act and the statutory sentencing range.

(b) The jury may be advised as to the nature of the previous convictions and the date and place thereof; and

(iv) The jury shall retire again and then determine a sentence within the statutory range.

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

(d)(1) A defendant who is convicted of a felony involving violence enumerated in subdivision (d)(2) of this section, or a defendant who pleads guilty or nolo contendere to, or is found guilty of any felony that in the course of and in the

furtherance of the felony the defendant committed an intolerable act enumerated in subsection (i) of this section, and who has previously been convicted of two (2) or more of the felonies involving violence or an intolerable act enumerated in subdivision (d)(2) and subsection (i) of this section shall be sentenced to an extended term of imprisonment without eligibility except under § 16-93-1302 for parole or community punishment transfer as follows:

(A) For a conviction of a Class Y felony, a term of not less than life in prison;

(B) For a conviction of a Class A felony, a term of not less than forty (40) years nor more than life in prison;

(C) For a conviction of a Class B felony or for a conviction of an unclassified felony punishable by life imprisonment, a term of not less than thirty (30) years nor more than sixty (60) years;

(D) For a conviction of a Class C felony, a term of not less than twenty-five (25) years nor more than forty (40) years;

(E) For a conviction of a Class D felony, a term of not less than twenty (20) years nor more than forty (40) years; and

(F) For a conviction of an unclassified felony punishable by less than life imprisonment, not more than three (3) times the maximum sentence for the unclassified offense.

(2) For the purposes of this subsection, a felony involving violence shall mean:

(A) Any of the following felonies:

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

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

(iii) Kidnapping, § 5-11-102;

(iv) Aggravated robbery, § 5-12-103;

(v) Rape, § 5-14-103;

(vi) Battery in the first degree, § 5-13-201;

(vii) Terroristic act, § 5-13-310;

(viii) Sexual abuse in the first degree, § 5-14-108;

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

(x) Domestic battering in the first degree, § 5-26-303;

(xi) Unlawful discharge of a firearm from a vehicle,

§ 5-74-107;

(xii) Criminal use of prohibited weapons, § 5-73-104, involving activities making it a Class B felony; or

(xiii) A felony attempt, solicitation, or conspiracy to commit:

(a) Capital murder, § 5-10-101;

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

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

(d) Kidnapping, § 5-11-102;

(e) Aggravated robbery, § 5-12-103;

(f) Rape, § 5-14-103;

(g) Battery in the first degree, § 5-13-201; or

(h) Domestic battering in the first degree,

§ 5-26-303; or

(B) A conviction of a comparable felony involving violence from another jurisdiction.

(3)(A) The following procedure shall govern trials at which a sentence to an extended term of imprisonment is sought pursuant to this subsection:

(i) The jury shall first hear all evidence relevant to the felony involving violence or an intolerable act with which the defendant is currently charged and shall retire to reach a verdict of guilt or innocence on this charge;

(ii)(a) If the defendant is found guilty of the felony involving violence, or an intolerable act, the trial court, out of the hearing of the jury, shall hear evidence of whether the defendant has pleaded guilty or nolo contendere to, or been found guilty of, two (2) or more prior felonies involving violence, or an intolerable act, and shall determine the number of such prior felony convictions, if any.

(b) The defendant shall have the right to hear and controvert this evidence and to offer evidence in his or her support;

(iii)(a) The trial court shall then instruct the jury as to the number of previous convictions involving violence or an intolerable act, and the statutory sentencing range.

(b) The jury may be advised as to the nature of the previous convictions and the date and place thereof; and

(iv) The jury shall retire again and then determine a sentence within the statutory range.

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

(e)(1) For the purpose of determining whether a defendant has previously been convicted or found guilty of two (2) or more felonies, a conviction or finding of guilt of burglary, § 5-39-201, and of the felony that was the object of the burglary shall be considered a single felony conviction or finding of guilt.

(2) A conviction or finding of guilt of an offense that was a felony under the law in effect prior to January 1, 1976, shall be considered a previous felony conviction or finding of guilt.

(f) For the purposes of determining whether a defendant has previously been convicted of a serious felony involving violence or a felony involving violence under subsections (c) and (d) of this section, or a felony involving an intolerable act, the entry of a plea of guilty or nolo contendere or a finding of guilt by a court to a felony enumerated in subsections (c) and (d) of this section, respectively, as a result of which a court places the defendant on a suspended imposition of sentence, a suspended sentence, or probation, or sentences the defendant to the Department of Correction, shall be considered a previous felony conviction.

(g) Any defendant deemed eligible to be sentenced under provisions of both subsections (c) and (d) of this section shall be sentenced only under subsection (d) of this section.

(h) In the event the provisions of subsection (c) or (d) of this section, or both, are held invalid by a court, the defendant's case shall be remanded to the trial court for resentencing of the defendant under the provisions of subsections (a) and (b) of this section.

(i) For purposes of this section, an "intolerable act" means:

(1) Dragging a person with a motor vehicle;

(2) Brutally beating or bludgeoning a person with a rock, baseball bat, pipe, or other blunt object;

(3) Beheading a person;

(4) Burning a person;

(5) Hanging a person;

(6) Torturing a person;

(7) Shooting or beating a person in the groin area;
(8) Mutilating the genitalia of a person;
(9) Cutting off body parts of a person;
(10) Carving words or symbols into the skin of a person; or
(11) Vandalizing, burning or bombing a church, temple, mosque,
synagogue or other place or worship.”

(SIGNED) HENRY "HANK" WILKINS

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Wilkins, **Senate Bill No. 969** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 969

Amend **Senate Bill No. 969** as originally introduced:

Add Senators Baker, Bookout, Bryles, Faris, Gullett, S. Higginbothom, R. Johnson, G. Jeffress, J. Jeffress and Wilkinson as cosponsors of the bill.

AND

Add Representatives Adams, Clemons, Eason, Hutchinson, C. Johnson, Jones, Judy, Lewellen, Parks, Penix, Thomas and White as cosponsors of the bill.

(SIGNED) HENRY "HANK" WILKINS

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 969 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 969, BY SENATOR WILKINS,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 969 was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on PUBLIC TRANSPORTATION, to whom was referred:

SENATE BILL NO. 228, BY SENATOR GLOVER,
SENATE BILL NO. 399, BY SENATOR HENDREN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as concurred in House Amendments.

Respectfully submitted,
(SIGNED) STEVE HIGGINBOTHOM, CO-CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on REVENUE AND TAXATION, to whom was referred:

SENATE BILL NO. 560, BY SENATOR WOOLDRIDGE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as concurred in House Amendment.

Respectfully submitted,
(SIGNED) TIM WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on REVENUE AND TAXATION, to whom was referred:

SENATE BILL NO. 774, BY SENATOR BROADWAY,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended.

Respectfully submitted,
(SIGNED) TIM WOOLDRIDGE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on PUBLIC HEALTH, to whom was referred:

SENATE BILL NO. 757, BY SENATOR STEELE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as concurred in House Amendment.

Respectfully submitted,
(SIGNED) JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on PUBLIC HEALTH, WELFARE AND LABOR, to whom was referred:

HOUSE BILL NO. 2304, BY REPRESENTATIVE MAHONY,
HOUSE BILL NO. 2541, BY REPRESENTATIVE JUDY,
HOUSE BILL NO. 2751, BY REPRESENTATIVE P. BOOKOUT,
HOUSE BILL NO. 2765, BY REPRESENTATIVE BRADFORD,
HOUSE BILL NO. 2800, BY REPRESENTATIVE BRADFORD,
HOUSE BILL NO. 2900, BY REPRESENTATIVE PENIX,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass.

Respectfully submitted,

(SIGNED) JACK CRITCHER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

SENATE BILL NO. 912, BY SENATOR T. SMITH,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as concurred in House Amendments.

Respectfully submitted,

(SIGNED) BRENDA B. GULLETT, CO-CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 1539, BY REPRESENTATIVE MAHONY,
HOUSE BILL NO. 2062, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 2187, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 2272, BY REPRESENTATIVE KEY,
HOUSE BILL NO. 2374, BY REPRESENTATIVE WHITE,
HOUSE BILL NO. 2450, BY REPRESENTATIVE BRIGHT,
HOUSE BILL NO. 2459, BY REPRESENTATIVE HARRIS,
HOUSE BILL NO. 2520, BY REPRESENTATIVE WHITE,
HOUSE BILL NO. 2657, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 2730, BY REPRESENTATIVE AGEE,
HOUSE BILL NO. 2775, BY REPRESENTATIVE C. JOHNSON,
HOUSE BILL NO. 2844, BY REPRESENTATIVE WHITE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,

(SIGNED) BRENDA B. GULLETT, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on EDUCATION, to whom was referred:

HOUSE BILL NO. 2536, BY REPRESENTATIVE CLEVELAND,
HOUSE BILL NO. 2882, BY REPRESENTATIVE CLEVELAND,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended.

Respectfully submitted,

(SIGNED) BRENDA B. GULLETT, CHAIRMAN

SENATE CONCURRENT RESOLUTION NO. 34
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BAKER

SENATE CONCURRENT RESOLUTION TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY UNTIL MAY 9, 2003, TO ENABLE IT TO COMPLETE THE ESSENTIAL BUSINESS OF THE SESSION; TO PROVIDE THAT THE EIGHTY-FOURTH GENERAL ASSEMBLY MAY BE CONVENED ON OR BEFORE MAY 9 TO CONSIDER VETOES, ERRORS, OMISSIONS, AND CONSTITUTIONAL AMENDMENTS.

Senate Concurrent Resolution No. 34 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Bryles, the rules were suspended in considering **Senate Bill No. 857** at this time.

On motion of Senator Bryles, **Senate Bill No. 857** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 857

Amend **Senate Bill No. 857** as as engrossed, S3/24/03:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1, is amended to add additional sections to read as follows:

6-13-111. School districts.

(a) As of January 1, 2004, the following school districts, meeting the requirements in subsection (c) of this section, shall continue to exist offering all courses and curricula through the twelfth (12th) grade if:

(1)(A) The school district existed in this state before the effective date of this act, and has an average daily membership, which shall include enrollment of four (4) year olds in any prekindergarten programs offered by the school district, of seven hundred fifty (750) students or greater.

(B) School districts with a variance of twenty-five (25) students or less and a history of growth may remain a school district under subdivision (a)(1)(A), and shall be allowed two (2) years to reach the required average daily membership, which shall include enrollment of four (4) year olds in any prekindergarten programs offered by the school district, of seven hundred fifty (750);

(2) The school district is made up of all the school districts in the county;

(3) The district is a combination of districts that voluntarily agreed to merge by July 1, 2004 to create a combined district that has an average daily membership, which shall include enrollment of four (4) year olds in any prekindergarten programs offered by the school district, exceeding one thousand (1,000) and one (1) administrative unit.

(b)(1) By July 1, 2004, school districts shall meet adequacy standards with regard to curriculum, facilities, equipment, and teacher salaries.

(2)(A) Beginning July 1, 2004, school districts shall offer forty (40) or more curriculum units for students in grades nine through twelve (9-12) each year, or additional units as may be required by the State Board of Education after the 2004-2005 school year, which shall not be increased by more than five (5) units per school year.

(B) School districts may participate in class sharing with other districts, concurrent enrollment programs with technical institutes and two-year

colleges, and distance learning programs to meet additional curriculum requirements.

(c) On July 1, 2004, any school district not meeting the requirements of subsections (a) and (b) of this section shall be reorganized by the State Board of Education.

6-13-112. Elementary, middle, and junior high schools.

(a) On July 1, 2004, all elementary, middle, and junior high schools that offer courses and curricula through eighth (8th) grade in existence at that time shall remain in existence.

(b) After July 1, 2004, the State Board of Education may determine the need for and location of new elementary, middle, or junior high schools to be located in school districts upon petition of the school board of the school district.

SECTION 2. Arkansas Code § 6-13-109 is amended to read as follows:

6-13-109. School superintendent. [Effective July 1, 2000.]

(a) The public school districts in the state shall each employ a superintendent of schools, whose qualifications and duties shall be prescribed by the General Assembly and the State Board of Education.

(b) "Superintendent of schools" is defined as the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (1/2) of the time in the school day.

(c) Superintendents shall be employed by written contract for a period of time of not more than three (3) years on terms and conditions negotiated by the superintendent and the school board subject to the laws and statutes of the State of Arkansas.

(d) Notwithstanding any terms and conditions of any contract with a superintendent, the superintendent may be suspended or terminated by the recommendation of the Director of the Department of Education to the State Board of Education for:

(1) Gross misconduct contrary to the laws and statutes of the State of Arkansas applicable to the management and operation of public schools;

(2) Conduct jeopardizing the fiscal or academic status of the district;

(3) Gross incompetence; or

(4) Failure to act to preserve the safety of students and others.

(e) The director shall notify the superintendent of the suspension or the termination recommendation as follows:

(1) The notice shall include a statement of the grounds for the recommendation of the suspension or termination, setting forth the grounds in separately numbered paragraphs so that the superintendent can prepare a defense; and

(2) The notice shall be delivered in person to the superintendent, or sent by registered or certified mail to the superintendent, at the superintendent's residence address or to the director's residence address, as reflected in their contracts.

(f)(1) Whenever the Director of the Department of Education has reason to believe that cause exists for the suspension or termination of the superintendent, and that immediate suspension of the superintendent is necessary, the director may suspend the superintendent without notice or a hearing.

(2) The director shall notify the superintendent in writing within two (2) school days of the suspension.

(3) The written notice shall include a statement of the grounds for suspension or recommended termination, setting forth the grounds in separately numbered paragraphs so that the superintendent can prepare a defense.

(4) The written notice shall be delivered in person to the superintendent, or sent by registered or certified mail to the superintendent at the superintendent's residence address or to the residence address as reflected in the

superintendent's contract, and shall state that a hearing before the State Board of Education is available to the superintendent upon request provided that the request is made in writing within thirty (30) days.

(g)(1) A superintendent who receives a notice of recommended termination or nonrenewal may file a written request with the State Board of Education for a hearing.

(2) The written request for a hearing shall be sent by certified or registered mail to the President, Vice President, or Secretary of the State Board of Education, with a copy to the director, or may be delivered in person by the superintendent to the President, Vice President, or Secretary of the State Board of Education, with a copy to the director, within thirty (30) calendar days after the written notice of proposed termination or suspension is received by the superintendent.

(3) The hearing shall be scheduled by the President, Vice President, or Secretary of the State Board of Education and the superintendent and shall be held within thirty (30) days after a request for the hearing is received by the board.

(4) If sufficient grounds for termination or suspension are not found, the superintendent shall be reinstated without loss of compensation.

(5) Upon receipt of a request for a hearing, the board shall grant a hearing in accordance with the following provisions:

(A) The hearing shall take place at a time agreed upon in writing by the parties, but if no time can be agreed upon, then the hearing shall be held no fewer than thirty (30) days after the written request has been received by the board;

(B) The hearing shall be private unless the superintendent requests that the hearing be public;

(C) The superintendent and the board may be represented by representatives of their choosing;

(D)(i) A full record of the proceedings at the hearing shall be made and preserved.

(ii) The Board shall make and preserve at its own expense a record of the hearing and shall furnish a transcript to the superintendent without cost; and

(E) The board shall not consider at the hearing any new reasons that were not specified in the notice provided pursuant to this subchapter.

(h) Upon the recommendation of the director to terminate or suspend the superintendent's contract, the board may:

(1) Reject or modify the director's recommendation to terminate or suspend the superintendent's contract;

(2) Vote to continue the contract of the superintendent under the restrictions, limitations, or assurances as the board may deem to be in the best interest of the school district;

(3) The decision shall be reached by the board within ten (10) days from the date of the hearing, and a copy shall be furnished in writing to the superintendent, either by personally delivering it to the superintendent or by addressing it to the superintendent or education service cooperative director by registered or certified mail; and

(4) The salary of a superintendent or director shall cease as of the date the board sustains the recommendation of termination, or upon final adjudication of any appeal of the board's decision, whichever is later.

SECTION 3. Arkansas Code § 6-13-1002 is amended to read as follows:

6-13-1002. Education service cooperatives established - Functions.

(a) The State Board of Education is authorized to establish a statewide system of not ~~more~~ less than fifteen (15) multicounty education service cooperatives of school districts. Such cooperatives shall be intermediate service units in the state's elementary and secondary education system and as such shall be eligible to

receive and expend funds from state and federal governments, school districts, and other public or private sources.

(b) Education service cooperatives established by this subchapter will provide to school districts which choose to use them assistance in:

(1) Meeting or exceeding accreditation standards and equalizing educational opportunities;

(2) Using educational resources more effectively through cooperation among school districts; and

(3) Promoting coordination between school districts and the Department of Education in order to provide services which are consistent with the needs identified by school districts and the educational priorities of the state as established by the General Assembly or the board.

(c) Education service cooperatives established by this subchapter shall support and implement state initiatives and programs as designated by the State Board of Education.

SECTION 4. Arkansas Code § 6-13-1003 is amended to read as follows:
6-13-1003. Boundaries - Adjustments.

(a) The State Board of Education shall establish tentative boundaries for the system of cooperatives authorized by this subchapter.

(b) These education service cooperatives will be established so that:

(1) They include at least three (3) but no more than nine (9) counties;

(2) They include at least ten (10) but no more than thirty-five (35)

school districts;

~~(3) They include at least twenty thousand (20,000) pupils in kindergarden through grade twelve (K-12) average daily membership;~~

~~(4)(3) They include at least one (1) postsecondary education institution; and~~

~~(5)(4) There is no more than fifty (50) miles distance or approximately one (1) hour driving time to the area's main offices for ninety percent (90%) of the school districts.~~

(c) The board may make adjustments in the boundaries when criteria such as minimum average daily membership and maximum driving distances conflict. ~~However, no more than four (4) of the areas formed may contain fewer than twenty thousand (20,000) students. In no case shall any cooperative be established with fewer than twelve thousand (12,000) pupils.~~

SECTION 5. Arkansas Code § 6-13-1005 is amended to read as follows:
6-13-1005. Alteration of boundaries.

~~(a) The State Board of Education, upon the request of one (1) or more school district boards of directors, and consistent with the provisions of § 6-13-1003, may alter the boundaries of a proposed or operational education service cooperative when it determines such alteration to be in the best interest of the school districts in the cooperatives involved.~~

~~(b) Consistent with provisions of § 6-13-1003, no member of an existing pilot cooperative established under Acts 1983 (1st Ex. Sess.), No. 103 [repealed] nor any member of a cooperative formed after January 1, 1984, under § 6-13-901 et seq., may be moved to another education service cooperative without that member's consent.~~

SECTION 6. Arkansas Code § 6-13-1006 is amended to read as follows:
6-13-1006. Board of directors.

(a)(1) Each education service cooperative shall be governed by a board of directors consisting of no less than one (1) representative appointed by each school district board of directors within the boundary of the cooperative and one (1) representative from an institution of higher education, and one (1) representative from the business community.

(2) The number of members serving on the board, the one (1) representative from an institution of higher education and the one (1) representative from the business community shall be determined by a majority vote of the presidents each school district board of directors within the boundary of the cooperative.

(b) No school district may have official representation on more than one (1) cooperative board of directors.

(c) The board of directors of each established education service cooperative shall function as a public corporate body, shall meet, except as otherwise provided in § 6-13-1007, at least eight (8) times each year, and shall exercise general fiduciary responsibilities for the education service cooperative with regard to policies and practices which guard the integrity of the agency and maintain public trust in its operation.

(d) Such responsibilities, consistent with funds available, shall include, but not be limited to:

(1) Employment of a director of the education service cooperative who shall serve as the nonvoting executive officer of the board of directors;

(2) Establishment of policies and procedures for the operation and management of the education service cooperative which shall be in written form and shall be filed with the State Board of Education;

(3) Preparation of an annual budget estimating income and expenditures for programs and services in accordance with procedures established by the state board;

(4) Receipt and expenditure of funds needed to provide programs and services in the area;

(5) Making such surveys or other inquiries which may be required to determine the service needs of school districts in the education service cooperative and developing plans to provide such needed services;

(6) Employment, upon the recommendations of the director of the education service cooperative, of such personnel as may be required to provide the services requested by the school districts in the area;

(7) Implementation of policies established by the state board for the operation of education service cooperatives;

(8) Cooperation with other education service cooperatives, school districts, and other agencies to provide programs and services for children and adults residing within their respective areas;

(9) Renting, leasing, or receiving by gift such facilities and buildings as may be required to provide authorized programs and services; and

(10) Carrying out such other duties as may be required for the efficient operation of the education service cooperative for which the board is responsible.

SECTION 7. Arkansas Code § 6-13-1010 is amended to read as follows:
6-13-1010. Director.

(a) Each education service cooperative shall be administered by a director who shall perform the following duties:

(1) Administer the programs and services of the education service cooperative;

(2) Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

(3) Prepare the budget for adoption by the education service cooperative's governing body;

(4) Direct expenditures of funds within the budget; and

(5) Supply any and all information and reports requested by the Director of the Department of Education in a timely manner; and

~~(5)~~(6) Perform other duties as required by the education service cooperative's governing body and the policies, rules, and regulations of the State Board of Education.

- (b) The director of each education service cooperative shall:
- (1) Hold an administrator's certificate and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or
 - (2) Have an equivalent level of education and administrative experience and obtain the approval of the board.
- (c) The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.
- (d) If the Director of the Department of Education determines that any director of an education service cooperative fails to fulfill any of the provisions of this subchapter, a written report of such finding shall be submitted to the cooperative's board of directors.
- (1) If the Director of the Department of Education determines that the cooperative's board of directors fails to adequately address the performance of the cooperative director, the matter may be referred to the State Board of Education.
 - (2) The State Board of Education using the same procedure as afforded other licensed personnel, may revoke, suspend, or place on probation the professional license of the director of the cooperative for failing to fulfill any provisions of this subchapter.

SECTION 8. Arkansas Code § 6-13-1011 is amended to read as follows:
6-13-1011. Personnel generally.

- (a) Personnel of education service cooperatives shall be employed in accordance with laws, rules, regulations, and procedures applicable to the school districts of this state.
- (b) Certificate requirements shall be the same as those expected of persons holding similar positions in local school districts.
- (c) Termination or contract nonrenewal of education service cooperative personnel shall be as provided by law for the school district personnel.
- (d) No employee of an education cooperative, hired after the effective date of this subdivision (d), shall be related within the second degree of consanguinity of affinity to the director of the education cooperative or any member of the executive committee of the education cooperative.

SECTION 9. Arkansas Code § 6-13-1012 is amended to read as follows:
6-13-1012. Agency personnel.

- (a) With the approval of an education service cooperative's governing body, the ~~The~~ directors in the Department of Education may assign state educational agency personnel to ~~that~~ education service cooperative cooperatives, if there is space and monetary support available.
- (b) In cases of disagreement, the Director of the Department of Education and the education service cooperative's governing body shall meet to discuss the merits of the assignment.
- (c) If agreement is not reached by these discussions, the State Board of Education shall make the final decision.

SECTION 10. Arkansas Code § 6-13-1017 is amended to read as follows:
6-13-1017. Programs and services.

- (a) The primary programs and services of each education service cooperative shall be based upon the needs of the school districts included in its service area ~~and upon the educational priorities of the state.~~ Priority shall be given to programs that relate to the educational priorities of the state as established by the State Board of Education.
- (b) Each education service cooperative shall provide a teacher center as its basic curriculum and staff development capability.
- (c) Education service cooperatives may provide shared educational programs and services such as needs assessment and school improvement planning, staff development, curriculum development, itinerant teachers,

instructional materials, adult and vocational education, programs for gifted and talented, education for children with disabilities, alternative educational programs, secondary area vocational centers, community-based education programs and other services which the State Board of Education may approve or which school districts may support with local funds.

SECTION 11. Arkansas Code § 6-13-1019 is amended to read as follows:
6-13-1019. Funding of cooperatives.

(a) The state shall provide funds to support the basic structure of the education service cooperatives established under the provisions of this subchapter.

(b) This structure shall include:

(1) Salaries and fringe benefits for a director, a teacher center coordinator, and support staff;

(2) Costs such as travel, utilities, rent, equipment, and supplies;

(3) Funds to support staff and curriculum development activities; and

(4) Funds in an annual amount not to exceed twenty-five thousand dollars (\$25,000) for the travel expenses of itinerant personnel employed by the education service cooperative to serve the part-time needs of local districts.

(c) School districts may contract with their education service cooperative for services and part-time personnel to be supported in whole or in part by local funds, but no school district shall be assessed a membership fee.

(d) Categorical state or federal funds may also be assigned to any education service cooperative ~~upon approval of its governing body and~~ under conditions set by the State Board of Education.

(1) In cases of disagreement, the Director of the Department of Education and the education cooperative's governing body shall meet to discuss the merits and concerns of the fund assignment.

(2) If agreement is not reached by these discussions, the State Board of Education shall make the final decision.

(e) As a public agency, each education service cooperative shall be eligible to receive and expend public and private funds.

SECTION 12. Arkansas Code § 6-13-1021 is amended to read as follows:
6-13-1021. Evaluations.

(a) Within each five-year period, on a schedule established by the Director of the Department of Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons. The Director of the Department of Education may assemble such committee at times other than that reflected by the established schedule.

(b) Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, ~~and~~ performance and administration effectiveness, and support and implementation of state initiatives as designated by the State Board of Education.

(c)(1) The report of this committee shall be filed with the cooperative visited, with its constituent school districts, and with the State Board of Education.

(2) The board shall acknowledge receipt of the report and comment on any deficiencies identified in the report which should be corrected for the cooperative to remain eligible for base funding.

(d) The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves, and to ensure that state initiatives as designated by the State Board of Education are supported and implemented.

(e)(1) For each evaluation, the director shall appoint the committee and designate its chairperson.

(2) The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

- (A) A Department of Education staff member;
- (B) A teacher;
- (C) An administrator;
- (D) A college staff member; and
- (E) A present or former staff member of an area education

service agency.

(3) In addition, the committee shall include from within the cooperative's area:

- (A) A member of the school district board of directors;
- (B) A representative of business and industry; and
- (C) A school parent from each of two (2) school districts.

(4) Each cooperative shall pay the reasonable costs of its evaluation.

6-13-1022. Dissolution of cooperative.

(a) ~~After 1990, the~~ The State Board of Education shall be authorized to dissolve any education service cooperative upon the request of a majority of its school district boards of directors or upon the recommendation of the evaluation committee provided for in § 6-13-1021.

(b) A dissolved education service cooperative's area shall be assigned to one (1) or more adjacent education service cooperatives, the provisions of § 6-13-1003 notwithstanding, with the dissolved cooperative's base funding apportioned to all remaining education service cooperatives in the state.

SECTION 13. Arkansas Code Title 6, Chapter 15, Subchapter 2, is amended to add an additional section to read as follows:

6-15-213. Failure to meet standards.

(a) The State Board of Education may reorganize any school district that fails to meet the curriculum, accreditation, efficiency, or facilities standards or teacher salary requirements as determined by the Department of Education and the Arkansas General Assembly.

(b)(1) The board shall have complete authority to reorganize a school district under subsection (a) in any manner that the board determines is necessary.

(2) To reorganize a school district the board may consolidate, annex, merge, or detach part of the school district with one (1) or more other school districts or dissolve the school district into multiple school districts.

(c) If a school district fails to meet curriculum, accreditation, efficiency, or facilities standards or teacher salary requirements in any given year, the Director of the Department of Education shall take immediate action to correct the situation including, but not limited to, removal of the superintendent, or local school board of directors, or both.

SECTION 14. Arkansas Code § 6-17-920(a), pertaining to examination of teachers' contracts, is amended to read as follows:

(a) It shall be the duty of the county clerk when the teachers' contracts are filed, as required by §§ ~~6-13-620~~ 6-13-643 and 6-17-919, to examine such contracts.

SECTION 15. Arkansas Code § 6-47-201 is amended to read as follows:
6-47-201. Administration in elementary schools.

(a)(1) The Department of Education shall oversee and coordinate the implementation of distance learning in elementary and secondary public schools in the state.

(2) Distance learning shall be available to all school districts in the state by August 1, 2004.

(b) The department shall promulgate rules and regulations establishing appropriate adult supervision.

(c) The elementary or secondary school may import courses from outside the state. However, ~~the course curriculum shall be approved by the department prior to offering the courses through distance learning~~ before offering the courses through distance learning, the department shall approve the course curriculum.

(d) The courses offered through distance learning shall include, but not be limited to:

(1) College preparatory courses, including, but not limited to, calculus, physics, Arkansas history, foreign languages, and computer science; and

(2) Technological courses, including, but not limited to, advanced math and science courses, advanced computer skills courses, and advanced courses in the arts.

(e) The department shall work with the Arkansas School for Mathematics and Sciences, the Arkansas Educational Television Commission, the education service cooperatives, and other state agencies involved in distance learning or in implementing distance learning.

SECTION 16. Arkansas Code § 6-47-302 is amended to read as follows:

6-47-302. Implementation in elementary and secondary schools — Courses offered.

(a) The Department of Education shall plan for the statewide implementation of distance learning in elementary and secondary public schools in the state.

(b) The elementary or secondary school may utilize courses from outside the state. However, ~~the course curriculum shall be reviewed by the Department of Education or the Department of Workforce Education prior to offering the courses through distance learning~~ Department of Education or the Department of Workforce Education, before offering the courses through distance learning, shall review the course curriculum.

(c) The courses offered through distance learning may include college preparatory courses, advanced mathematics and science courses, and technological courses.

(d) The Department of Education shall work with the Arkansas School for Mathematics and Sciences, the Arkansas Educational Television Commission, the education service cooperatives, the Arkansas State Library, and other state agencies involved in distance learning.

SECTION 17. Arkansas Code § 26-80-111 is amended to read as follows:

26-80-111. School districts formed by consolidation, annexation, or merger.

(a) When a new school district is created from all or parts of two (2) or more districts or a district is dissolved and all or part of the area of the dissolved district is annexed to or consolidated with an existing district, the board of directors of the resulting district shall submit to the electors of the district at the ~~next annual~~ first school election on the millage rate a proposed tax millage rate for the district. If the ~~proposed millage rate is approved by the electors of the district~~ electors of the district approve the proposed millage rate, it shall be the rate for the district, provided such rate complies with the uniform rate of tax.

(b) If a new school district is created from all or parts of two (2) or more districts or a district is dissolved and all or part of the area of the dissolved district is annexed to or consolidated with an existing district and if the electors have failed to approve a proposed millage rate at ~~an annual~~ a school election on the millage rate, then the ~~millage rate for the district shall be the millage rate levied, at the last school election prior to the consolidation, annexation or merger in the district which had the highest average daily membership during the school year preceding the consolidation, annexation, or merger, provided such rate complies with the uniform rate of tax~~ millage shall be collected at the rate approved in the last preceding school election. However, if the rate last approved has been modified pursuant to subsection (b) or (c)(2) of Amendment 74 to the Arkansas Constitution, the tax shall be collected at the modified rate until another rate is approved.

SECTION 18. 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."

(SIGNED) STEVE BRYLES

The Amendment was read for the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 857 was ordered engrossed.

On motion of Senator Smith, House Bill No. 2791 was withdrawn from the Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS, and placed on the Calendar.

House Bill No. 2791 was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

SENATE BILL NO. 862, BY SENATOR MALONE,
SENATE BILL NO. 917, BY SENATOR LUKER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,
(SIGNED) JIM LUKER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

SENATE BILL NO. 275, BY SENATOR GLOVER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as concurred in House Amendment.

Respectfully submitted,
(SIGNED) JIM LUKER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

HOUSE BILL NO. 1684, BY REPRESENTATIVE MATAYO,
HOUSE BILL NO. 2430, BY REPRESENTATIVE LAMOUREUX,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,
(SIGNED) JIM LUKER, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JUDICIARY, to whom was referred:

HOUSE BILL NO. 1477, BY REPRESENTATIVE MARTIN,
HOUSE BILL NO. 1546, BY REPRESENTATIVE THYER,
HOUSE BILL NO. 2710, BY REPRESENTATIVE GREEN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended.

Respectfully submitted,
(SIGNED) JIM LUKER, CHAIRMAN

On motion of Senator Wilkins, **House Concurrent Resolution No. 1011** was called up for third reading.

**HOUSE CONCURRENT RESOLUTION NO. 1011
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE THOMAS**

HOUSE CONCURRENT RESOLUTION URGING THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT AND THE ARKANSAS HIGHWAY COMMISSION TO DESIGNATE THE GREAT RIVER BRIDGE AS THE CHARLES W. DEAN BRIDGE.

House Concurrent Resolution No. 1011 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1011 was ordered immediately returned to the House as concurred in.

On motion of Senator GULLETT, **House Concurrent Resolution No. 1014** was called up for third reading.

**HOUSE CONCURRENT RESOLUTION NO. 1014
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LENDALL**

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

House Concurrent Resolution No. 1014 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution Bill No. 1014 was returned to the House as concurred in.

On motion of Senator Faris, **Senate Bill No. 226** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 226

Amend **Senate Bill No. 226** as originally introduced:

Page 1, delete lines 25 through 29 and substitute the following:

“(f) Any sole proprietorship, partnership, limited liability company, firm, or corporation licensed to do business as an Arkansas Professional Bail Bond company, shall have at least one (1) designated majority stockholder or owner who is a licensed professional bail bondsman in the state and who is liable for the legal operation of the bail bond company.”

(SIGNED) STEVE FARIS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 226 was ordered engrossed.

On motion of Senator Glover, **House Bill No. 2502** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2502

Amend **House Bill No. 2502** as engrossed, H4/1/03:

Add Senator Glover as a cosponsor of the bill

AND

Page 2, line 15, delete “service that” and substitute “service offered to the public that”

AND

Page 2, line 32, delete "carrier in" and substitute "carrier or electronic communication service in"

AND

Page 4, line 2, delete "wire communication" and substitute "wire or electronic communication"

AND

Page 5, delete line 34 and substitute the following:

"circumstances justifying application under this subsection.

(C) The application shall disclose whether it or any substantially similar application has been denied."

AND

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

"(a)(1) Only the Department of Arkansas State Police is authorized by this act to own, possess, install, operate, or monitor electronic, mechanical, or other devices except that nothing in this act shall serve or be interpreted to prohibit, restrict, or limit in any way a communication common carrier or a provider of wire or electronic communication from owning, possessing, installing, operating, monitoring, or otherwise using an electronic, mechanical, or other intercepting device in the ordinary course of the provider's business as necessary for quality control and network security purposes."

AND

Page 12, line 18, delete "communications." and substitute "communications by law enforcement."

AND

Page 12, line 35, delete "(c)" and substitute "(c)(1)"

AND

Page 12, delete line 36 and substitute the following:

"subsections (a) and (b) of section 7 of this act for investigations.

(2) However, duplicate recordings are subject to the same controls on dissemination and use as the original."

AND

Page 13, line 7, delete "applications." and substitute "applications by law enforcement."

AND

Page 14, line 2, delete "(c)" and substitute "(c)(1)"

AND

Page 14, delete line 5 and substitute the following:

“any trial, until after the inventory has been served.

(2) Additional postponements of up to ninety (90) days may be granted upon showing of good cause, but such showings are required for each application.

(3) Under no circumstances shall the postponements total more than two (2) years.”

AND

Page 17, delete line 30 and substitute the following:

“section.

(c) A subscriber or customer of a wire or electronic communications or remote computing service does not have a cause of action against a wire or electronic communications or remote computing service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance as required by court order, warrant, subpoena, or certification under this act.”

AND

Page 17, delete line 35 and substitute the following:

“SECTION 18. Communication common carrier exception.

Notwithstanding any other provision in this act to the contrary, it shall not be unlawful for a wire or electronic communication service provider or any communication common carrier, or a switchboard operator, officer, employee, or agent thereof, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, store, or use that communication in the normal course of its employment or business while engaged in any activity which is a necessary incident to the rendition of its service or to the protection of its rights or property, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

SECTION 19. Nothing in this act shall restrict or prohibit”

AND

Appropriately renumber the subsequent sections of the bill

AND

Page 18, delete lines 5 through 8 and substitute the following:

“(a) A law enforcement officer authorized under section 5(b) of this act, designated in writing by the prosecuting attorney or circuit judge of the county where the installation will be used, may install and use a live intercept if the prosecuting attorney determines in writing, upon affidavit by a certified law enforcement officer and the concurrence of the Director or Deputy Director of the Department of Arkansas State Police, that.”

AND

Page 18, line 13, delete "There" and substitute "No circuit judge with jurisdiction is immediately available, and there"

AND

Page 18, delete lines 15 through 21 and substitute the following:

"(b)(1) If an authorized law enforcement officer installs a live intercept under subsection (a) of this section, the prosecuting attorney shall obtain an order from a circuit judge with jurisdiction approving installation immediately upon the availability of the circuit judge, but in no instance more than forty-eight (48) hours after the installation begins.

(2) If authorization is not obtained within forty-eight (48) hours, the officer shall terminate use of the live intercept on the expiration of the forty-eight (48) hours or at the time the application for the order is denied, whichever is earlier."

AND

Page 18, line 23, delete "gained through" and substitute "gained, or any information derived from the information so gained, through"

AND

Page 18, delete line 24 and substitute the following:

"section if authorization for the live intercept is denied unless the information would have been inevitably discovered through other lawful investigation, or by other constitutionally permissible investigation.

(d) The information gained or derived through the emergency live intercept shall not be considered in any judicial determination as to whether grounds existed under subdivision (a)(1) of this section."

(SIGNED) BOBBY GLOVER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2502 was ordered engrossed.

On motion of Senator Whitaker, [House Bill No. 1469](#) was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to HOUSE BILL NO. 1469](#)

Amend [House Bill No. 1469](#) as engrossed, 2/20/03:
Add Representatives King and Thyer as Cosponsors of the bill

AND

Add Senator Whitaker as a cosponsor of the bill

(SIGNED) RUTH WHITAKER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Whitaker, [House Bill No. 1469](#) was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 2 to HOUSE BILL NO. 1469](#)

Amend [House Bill No. 1469](#) as engrossed, 2/20/03:
Add Representatives King and Thyer as cosponsors of the bill

AND

Add Senator Whitaker as a cosponsor of the bill

(SIGNED) RUTH WHITAKER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 1469](#) was ordered engrossed.

On motion of Senator Womack, **House Bill No. 1851** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1851

Amend **House Bill No. 1851** as engrossed, 3/20/03:

Page 2, line 1 after "process" and before the "." add "or at other times established by ordinance"

AND

Page 2, delete lines 4 and 5 and substitute:
"common law to the contrary."

(SIGNED) SHAWN WOMACK

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1851 was ordered engrossed.

On motion of Senator Faris, **House Bill No. 2476** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2476

Amend **House Bill No. 2476** as engrossed, H4/3/03:

Page 2, delete lines 30 through 36 and substitute the following:

"or otherwise; for convictions arising from each of the offenses listed below:

(A) Operating or being in actual physical control of a motor vehicle while intoxicated; "intoxicated" meaning, for the purposes of this subchapter,

~~influenced or affected by the ingestion of alcohol, a controlled substance, or a combination thereof, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical"~~

AND

Page 3, delete lines 1 through 13 and substitute the following:

~~"injury or death to himself or other motorists or pedestrians;~~

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

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

AND

Page 5, line 16, delete "or private"

AND

Page 5, line 24, delete "or private"

AND

Page 9, line 15, delete "bond" and substitute "bonds"

AND

Page 10, line 19, insert the following:

"(g) Any municipality, county, public instrumentality, or other governmental entity may pledge all or any portion of its fines, penalties, bonds against fines, court costs, filing fees, other court fees, and other sums payable by judicial order, statute,

ordinance, or otherwise imposed by law and collected by the entity towards the repayment of any debt issued by a board or any public facilities board operating, owning, or administering a jail facility."

AND

Page 11, delete lines 3 through 9 and substitute the following:

"(a) Any county, municipality, or public instrumentality adopting an ordinance providing for the establishment of a county jail board, and any municipality adopting an ordinance providing for the establishment of a municipal jail board, and authorizing the board to issue county jail revenue bonds or municipal jail revenue bonds, as the case may be, as authorized in this subchapter, may, by ordinance or resolution, provide that all or any identified portion of the revenues derived by the county, or city municipality, or public instrumentality from all or any identified portion of the fines"

AND

Page 11, line 15, delete "fund ~~with~~" and substitute "fund that may be created in connection with the issuance of debt with"

AND

Page 11, line 21, delete "shall" and substitute "~~shall~~ may"

AND

Page 12, delete line 30 and substitute the following:
"state are applicable to the boards.

SECTION 3. Arkansas Code § 14-137-111 is amended by adding the following additional subsection:

(c) With regard to public facilities boards that own, operate, or administer jail facilities, the public facilities boards shall additionally possess the power and authority:

(1) To exercise those powers granted to jail boards pursuant to Arkansas Code Title 12, Chapter 41, Subchapter 7, as may be amended from time to time;

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

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

(4) To offer incarcerants the option to participate in community service programs and all other forms of voluntary labor;

(5) To enter into contracts with third party governmental entities under which the board may receive compensation for supplying to these entities the voluntary services and labor of the board's incarcerants;

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

(7) To pledge contract revenue receivables realized through the execution of contracts with third parties for incarcerant housing;

(8) To pledge contract revenue receivables realized through the execution of contracts with third parties for incarcerant labor or services rendered;
and

(9) To pledge all other revenues and income of every nature that the board may realize through its operations that are otherwise expressly pledged and identified in the trust indenture that the board may execute in connection with the issuance of its debt.

SECTION 4. Any municipality, county, public instrumentality, or other governmental entity may pledge all or any portion of its fines, penalties, bonds against fines, court costs, filing fees, other court fees, and other sums payable by judicial order, statute, ordinance, or otherwise imposed by law and collected by the entity towards the repayment of any debt issued by a jail board or any public facilities board operating, owning, or administering a jail facility.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the counties, municipalities, public instrumentalities and other governmental entities of the State of Arkansas are experiencing severe jail overcrowding, and that existing jail facilities may not be in compliance with applicable state and federal regulations. It is further recognized that funding for jail renovation, improvement, and construction is extremely limited and oftentimes can be funded only through the implementation of new sales taxes, and that the failure to immediately address this problem could result in the possible closure of existing jail facilities, and the release of incarcerants prior to the schedule expiration of their terms. 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."

(SIGNED) PERCY MALONE

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2476 was ordered engrossed.

On motion of Senator Smith, [House Bill No. 2236](#) was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to HOUSE BILL NO. 2236](#)

Amend [House Bill No. 2236](#) as engrossed, H3/28/03:

Page 2, delete line 34 and add the following:

"capacity, if they work at the facility for a total of less than thirty (30) days per quarter per person."

(SIGNED) TERRY SMITH

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2236](#) was ordered engrossed.

Withdraw Amendment No. 1.

On motion of Senator Gullett, [House Bill No. 2834](#) was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 2 to HOUSE BILL NO. 2834](#)

Amend [House Bill No. 2834](#) as engrossed, H3/20/03:

Add Senator Gullett as a cosponsor of the bill

AND

Page 3, line 4, delete "Education" and substitute "Education, and reviewed by the Chief Fiscal Officer"

(SIGNED) BRENDA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2834](#) was ordered engrossed.

On motion of Senator Altes, **House Bill No. 2390** was withdrawn from the Committee on INSURANCE AND COMMERCE, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2390

Amend **House Bill No. 2390** as originally introduced by:

Page 2, line 7, delete "study approved" and substitute "study of thirty-six (36) hours approved"

(SIGNED) DENNY ALTES

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2390 was ordered engrossed.

On motion of Senator Horn, **House Bill No. 2503** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2503

Amend **House Bill No. 2503** as engrossed, H4/1/03:

Page 2, line 13, delete "service that" and substitute "service offered to the public that"

AND

Page 2, line 35, delete "wire communication" and substitute "wire or electronic communication"

AND

Page 4, line 1, delete “by the” and substitute “by or contained in tariffs filed with the”

AND

Page 6, line 23, delete “attorney of” and substitute “attorney or circuit judge of”

AND

Page 6, line 30, delete “There” and substitute “No circuit judge with jurisdiction is available, and there”

AND

Page 6, delete lines 33 through 36 and Page 7, delete lines 1 through 3 and substitute the following:

“(b)(1) If an authorized law enforcement officer installs a pen register or trap and trace device under subsection (a) of this section, the prosecuting attorney shall obtain an order from a circuit judge with jurisdiction approving installation immediately upon availability of the circuit judge, but in no instance more than forty-eight (48) hours after the installation begins.

“(2) If authorization is not obtained within forty-eight (48) hours, the officer shall terminate use of the pen register or trap and trace device on the expiration of the forty-eight (48) hours or at the time the application for the order is denied, whichever is earlier.”

AND

Page 7 line 5, delete “gained through” and substitute “gained, or any information derived from the information so gained, through”

AND

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

“and trace device is denied, unless the information would have been inevitably discovered through other lawful investigation or by other constitutionally permissible investigation.

“(d) The information gained or derived through the emergency pen register or trap and trace shall not be considered in any judicial determination as to whether grounds existed under subdivision (a)(1) of this section.”

AND

Page 7, delete line 10 and substitute “communications will be governed by the Electronics Communications Privacy Act, 18 U.S.C. 2701 et seq.”

AND

Page 9, delete lines 31 and 32, and substitute the following:

“(3) The service provider shall expeditiously create the copy after the date of the receipt by the service provider”

AND

Page 10, delete line 6 and substitute the following:

“(d)(1) Except as provided by section 7 of this act, the authorized law

enforcement officer who presented the subpoena or court order shall immediately notify the service provider that the subscriber or customer has been informed that he, she, or it is the subject of a subpoena.

(2) The notification to the service provider shall take the form of an affidavit or sworn certification, noting the date, time, and manner in which the subscriber or customer was notified.

(e) The service provider shall release the copy to the requesting”

AND

Page 10, line 7, delete “day after” and substitute “day or later than the eighteenth day after”

AND

Page 10, line 14, delete “(e)” and substitute “(f)”

AND

Page 10, line 19, delete “(f)(1)” and substitute “(g)(1)”

AND

Page 10, line 25, delete “(g)(1)” and substitute “(h)(1)”

AND

Page 11, line 9, delete “(h)(1)” and substitute “(i)(1)”

AND

Page 11, line 12, delete “subsection (g)” and substitute “subsection (h)”

AND

Page 13, line 32, delete “determine the” and substitute “determine a reasonable”

AND

Page 13, line 35, delete “determine the” and substitute “determine a reasonable”

AND

Page 17, delete line 23, and substitute the following:

“SECTION 17. Communication common carrier exception.

Notwithstanding any other provision in this act to the contrary, it shall not be unlawful for a wire or electronic communication service provider or any communication common carrier, or a switchboard operator, officer, employee, or agent thereof, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, store, or use that communication in the normal course of its employment or business while engaged in any activity which is

a necessary incident to the rendition of its service or to the protection of its rights or property, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

SECTION 18. Nothing in this act shall restrict or prohibit

AND

Appropriately renumber the subsequent section

(SIGNED) BARBARA HORN

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2503 was ordered engrossed.

On motion of Senator J. Jeffress, House Bill No. 2248 was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 2248

Amend House Bill No. 2248 as engrossed, S4/01/03 by:

Page 5, line 19 delete "owner" and substitute "pet breeder"

(SIGNED) JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator J. Jeffress, [House Bill No. 2248](#) was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 3 to HOUSE BILL NO. 2248](#)

Amend [House Bill No. 2248](#) as engrossed, S4/1/03 by:

Page 2, line 9 delete "[dog or cat](#)" and substitute "[dog, cat, or horse](#)"

AND

Page 2, line 10 delete "[dog or cat](#)" and substitute "[dog, cat, or horse](#)"

AND

Page 2, line 12 delete "[dog or cat](#)" and substitute "[dog, cat, or horse](#)"

AND

Page 2, line 13 delete "[dog or cat](#)" and substitute "[dog, cat, or horse](#)"

AND

Page 2, line 27 delete "[dog or cat](#)" and substitute "[dog, cat, or horse](#)"

(SIGNED) JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator J. Jeffress, **House Bill No. 2248** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to HOUSE BILL NO. 2248

Amend **House Bill No. 2248** as engrossed, S4/1/03 by:

Page 2, delete lines 31 through 36

AND

Page 3, delete lines 1 and 2 and substitute the following:

"5-62-103. Exemptions.

(a) Nothing in this subchapter shall be construed to prohibit the following conduct:

(1) Protecting livestock and poultry as authorized by § 20-10-102; or

(2) Engaging in practices lawful under the Arkansas Veterinary Medical Practices Act, § 17-101-101 et seq., as amended; or

(b) Nothing in this subchapter shall be construed to prohibit a pet breeder, his or her consignees, and their employees from performing routine accepted management practices on animals belonging to the pet breeder and produced for commerce."

AND

Page 5, delete lines 14 through 19

(SIGNED) JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator J. Jeffress, **House Bill No. 2248** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 5 to HOUSE BILL NO. 2248

Amend **House Bill No. 2248** as engrossed, S4/1/03 by:

Page 3, delete line 28 and substitute the following:

“SECTION 4. Arkansas Code § 5-62-113 is repealed.”

AND

Page 3, delete line 36

AND

Page 4, delete lines 1 through 8 and substitute the following:

“SECTION 5. Arkansas Code § 5-62-114 is amended to read as follows:

5-62-114. Authority to take charge of animals and vehicles of arrested person.

When any person arrested by a law enforcement officer is, at the time of arrest, in charge of any vehicle drawn by or containing any animal, ~~any agent of a society for the prevention of cruelty to animals~~ the law enforcement officer may take charge of the animal and the vehicle and its contents and deposit them in a safe place of custody, or deliver them into the possession of the police or sheriff of the county or place wherein the arrest was made or a society for the prevention of cruelty to animals in the county, who shall thereupon assume the custody thereof.”

AND

Appropriately renumbering the subsequent SECTIONS of the bill

(SIGNED) JIMMY JEFFRESS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2248 was ordered engrossed.

On motion of Senator Luker, **House Bill No. 2457** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2457

Amend **House Bill No. 2457** as engrossed, 4/3/03:

Page 21, line 35 add the following new section:

“SECTION 15. Arkansas Code § 9-29-201 ARTICLE II and ARTICLE III are amended to read as follows:

ARTICLE II

Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control;

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof, a court of a party state, a person, corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state;

(c) "Receiving state" means the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons;

(d) "Placement" means:

(1) ~~the~~ The arrangement for the care of a child in a family, free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility; and

(2) The arrangement for the care of a child in the home of his parent, other relative, or non-agency guardian in a receiving state when the sending agency is any entity other than a parent, relative, guardian or non-agency guardian making the arrangement for care as a plan exempt under Article VIII(a) of the Compact.

(e)(1) "Foster care" means the care of a child on a twenty-four hour a day basis away from the home of the child's parent or parents. The care may be by a relative of the child, by a non-related individual, by a group home, or by a residential facility or any other entity.

(2) In addition, if twenty-four hour a day care is provided by the child's parents by reason of a court ordered placement, and not by virtue of the parent-child relationship, the care is foster care.

(f)(1) "Priority placement" means whenever a court, upon request, or on its own motion, or where court approval is required, determines that a proposed priority placement of a child from one (1) state into another state is necessary because:

(A) The child is under two (2) years of age;

(B) The child is in an emergency shelter; or

(C) The court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient.

(2) The state agency has thirty (30) days to complete a request for a priority placement.

(3) Requests for placement shall not be expedited or given priority except as outlined in this subsection.

ARTICLE III

Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing, or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child;

(2) The identity and address or addresses of the parents or legal guardian;

(3) The name and address of the person, agency, or institution to or with which the sending agency proposes to send, bring, or place the child;

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

(e)(1) If the home study is denied, the sending state agency shall present the home study to the juvenile division judge in the sending state.

(2) The sending state juvenile division judge shall review the home study and make specific written findings of fact regarding the concerns outlined in the home study.

(3) If the sending state juvenile division court finds that the health and safety concerns cannot be addressed or cured by services, the court will not make the placement."

(SIGNED) JIM LUKER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Luker, [House Bill No. 2457](#) was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 2 to HOUSE BILL NO. 2457](#)

Amend [House Bill No. 2457](#) as originally introduced by:

Page 21, line 35 add the following new sections:

“SECTION 16. Arkansas Code § 9-32-203 is amended to add an additional subsection to read as follows:

(d)(1) The Division of Children and Family Services shall report on the number of children in foster care who experienced two (2) or more placements in care and the number of children in foster care who have run away at the end of each quarter.

(2) The data shall include, but not be limited to, the number of placements, the race and age of the children experiencing multiple moves, and runaway status.

(3) This data shall be reported by regional areas in the annual report.”

SECTION 17. Arkansas Code Title 9, Chapter 27, Subchapter 3 is amended to add an additional section to read as follows:

9-27-354. (a) To reduce the number of placements of children in foster care, anytime a foster parent requests a foster child be removed from their home, excluding an emergency that places the child or a family member at risk of harm, the foster parent must:

(1) Attend a staffing which will be arranged by DCFS within forty-eight (48) hours to discuss what services or assistance may be needed to stabilize the placement.

(2) The foster child, the child’s attorney ad litem and a CASA, if appointed to the case, shall be notified so that they can attend and participate in the staffing and planning for the child’s placement.

(3) If the placement cannot be stabilized the foster parent will continue to provide for the foster child until an appropriate alternative placement is located, but this shall not be longer than five (5) business days.

(b) All DCFS caseworkers, supervisors and area managers shall have at least six (6) hours of annual training on separation and placement issues, as well as issues relating to the grief and loss children experience in foster care with multiple placements.”

(SIGNED) JIM LUKER

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

[House Bill No. 2457](#) was ordered engrossed.

On motion of Senator Faris, [House Bill No. 2421](#) was placed back on second reading for purpose of amendment.

[ARKANSAS SENATE](#)
[EIGHTY-FOURTH GENERAL ASSEMBLY](#)
[REGULAR SESSION](#)
[Amendment No. 1 to HOUSE BILL NO. 2421](#)

Amend [House Bill No. 2421](#) as engrossed, H3/25/03:

Page 1, delete lines 9 through 10 and substitute the following:
“AN ACT TO EXEMPT PUBLIC INSTITUTIONS OF HIGHER EDUCATION”

AND

Page 1, delete lines 16 through 17 and substitute the following:
“AN ACT TO EXEMPT PUBLIC INSTITUTIONS OF”

AND

Page 2, line 4 delete “(5)” and substitute “(5)(A)”

AND

Page 2, line 5 delete “, the Board of Trustees of”

AND

Page 2, delete line 6

AND

Page 2, line 7 delete “in the state”

AND

Page 2, line 9 delete “or shall adopt”

AND

Page 2, delete line 11 and substitute the following:
“construction services.

“(B)(i) Upon approval of the Department of Higher Education, the governing boards of all other public institutions of higher education shall be exempt from review and approval by Arkansas State Building Services, if before approval is granted, the Department of Higher Education has reviewed and approved policies and procedures adopted by the governing boards with respect to bidding and construction of capital improvement projects under the alternative delivery methods.”

(ii) Nothing in this section shall prevent any of the public institutions of higher education, exempt from review and approval of Arkansas State Building Services, from entering into an agreement with Arkansas State Building Services to perform services related to capital improvement oversight of alternative delivery methods."

(SIGNED) STEVE FARIS

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2421 was ordered engrossed.

On motion of Senator Gullett, House Bill No. 2327 was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2327

Amend House Bill No. 2327 as engrossed, H3/27/03:

Page 1, delete line 22 and substitute the following:

"SECTION 1. Effective October 1, 2003, Arkansas Code § 15-4-2204 is amended to read as follows:"

AND

Page 1, line 25 delete "fifteen (15)" and substitute "twenty-five (25)"

AND

Page 6, delete line 7 and substitute the following:

"SECTION 2. Effective October 1, 2003, Arkansas Code § 15-4-2209 is amended to read as follows:"

(SIGNED) BARBARA GULLETT

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2327 was ordered engrossed.

On motion of Senator Baker, [Senate Bill No. 732](#) was placed back on second reading for purpose of amendment.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 732](#)

Amend [Senate Bill No. 732](#) as engrossed, S3/17/03:
Page 3, line 1, delete “exercise” and substitute “may exercise”

(SIGNED) JOHN PAUL VERKAMP

[Amendment No. 1 to Senate Bill No. 732](#), adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Smith, [Senate Bill No. 912](#) was placed back on second reading for purpose of amendment.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 912](#)

Amend [Senate Bill No. 912](#) as engrossed, S4/1/03:
Page 3, delete lines 33 and 34 and substitute the following:
“(c)(1)(A) The board of visitors shall meet monthly as the board determines, and shall elect from its voting members a chair, a vice chair, and a secretary.
(B) With prior notice to all members, special meetings may be called, as needed, by either the board chairman or any three (3) of the voting members of the board.”

AND

Page 4, delete lines 2 through 36 and substitute the following:
“(a)(1)(A) The general purpose of the Board of Visitors for the Arkansas School for Mathematics, Sciences, and the Arts is to perform a supporting and advising role with regard to the operation of the school.

(B) The board may recommend implementation and establishment of policies consistent with policies of the Board of Trustees of the University of Arkansas.

(C) The board shall serve as a liaison between the school, parents, and other constituents, and the President and Board of Trustees of the University of Arkansas.

(D) Because the board of trustees and the president may delegate broad administrative responsibilities to the administrator of the school, consistent with policies established or approved by the board of trustees, the board of visitors will have the opportunity to give meaningful advice and recommendations to further the development and operation of the Arkansas School for Mathematics, Sciences, and the Arts.

(2) The board of visitors shall:

(A) Assist in securing financial support for the Arkansas School for Mathematics, Sciences, and the Arts;

(B) Advise the administrator of the school, and the President and the Board of Trustees of the University of Arkansas, regarding the educational, service, and financial needs of the school;

(C) Aid in the orderly transition of the school as it becomes a campus of the University of Arkansas;

(D) Accept and execute specific assignments made by the Board of Trustees of the University of Arkansas and the President of the University of Arkansas;

(E) Keep informed on those matters that are necessary to promote the educational aims of the school for the benefit of the students;

(F) Study in detail the reports and issues placed before it by the board of trustees; and

(G) Promote, in diverse ways, the growth and development in excellence of the school and the University of Arkansas in general.

(3) The board of visitors shall have oversight coordination as specifically assigned by the board of trustees, which may include oversight responsibility with respect to the school's operating budget, internal governance, and methods of operations."

(SIGNED) BOB MATHIS

Amendment No. 1 to Senate Bill No. 912, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Smith, **Senate Bill No. 912** was placed back on second reading for purpose of amendment.

**HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION**

Amendment No. 2 to SENATE BILL NO. 912

Amend **Senate Bill No. 912** as engrossed, 4/1/03:

Add the following new sections immediately after Section 7 of the bill to read as follows:

"SECTION 8. Effective January 1, 2004, Arkansas Code 6-5-302 is amended to read as follows:

6-5-302. Allocation and transfer of funds.

From the moneys accruing to the Educational Excellence Trust Fund, the Treasurer of State on the last day of the month shall transfer to the various funds and fund accounts listed below, the amounts determined by applying each fund or fund account's proportionate part of the total of all such allocations set forth herein to the amount available for distribution as determined in § 6-5-301:

FUND OR FUND ACCOUNTS	FISCAL YEAR ENDING	
	JUNE 30, 2002 &	JUNE 30, 2003
		THEREAFTER
Education Public School Fund Account	\$161,935,727	\$170,126,847 <u>\$164,138,382</u>
Workforce Education Public School Fund Account	9,518,065	10,032,555
Dept. of Education Fund Account	762,901	804,138
Dept. of Workforce Education Fund Account	2,856,557	3,010,965
Higher Education Grants Fund Account	10,499,767	11,067,322
<u>School for Math, Science and Arts Fund</u>	<u>0</u>	<u>5,988,465</u>
Institutions of Higher Education:		
Arkansas State University Fund	4,797,713	5,057,049
Arkansas Tech University Fund	1,608,226	1,695,157
Henderson State University Fund	1,663,634	1,753,560
Southern Arkansas University Fund	983,576	1,036,743
University of Arkansas Fund	11,905,301	12,548,830
University of Arkansas at Little Rock Fund	4,224,809	4,453,177
University of Arkansas Med. Center Fund	7,274,293	7,667,498
University of Arkansas Med. Center - Indg. Care	181,013	190,797
University of Arkansas at Monticello Fund	848,858	894,742
University of Arkansas at Pine Bluff Fund	1,473,599	1,553,253
University of Central Arkansas Fund	3,661,359	3,859,270

Arkansas State University-Beebe Fund	1,144,646	1,206,518
East Arkansas Community College Fund	599,022	631,401
Garland County Community College Fund	895,921	944,349
Mississippi County Community College Fund	573,810	604,827
North Arkansas College Fund	353,775	372,898
Northwest Arkansas Community College Fund	791,763	834,561
Phillips Community College of Univ. of Ark. Fund	583,366	614,899
Rich Mountain Community College Fund	158,120	166,667
SAU-Tech Fund	256,801	270,683
South Arkansas Community College Fund	409,688	431,833
Westark College Fund	2,437,691	2,569,458
TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 46,826,984	\$ 49,358,170

SECTION 9. There is created on the books of the Treasurer of State, Auditor of State and Chief Fiscal Officer of the State a fund to be known as the School for Math, Science and Arts Fund. The School for Math, Science and Arts Fund shall be used to provide for the maintenance, operation, and improvement required by the Arkansas School for Mathematics, Sciences, and the Arts in carrying out its powers, functions and duties as set out by law. The School for Math, Science and Arts Fund shall consist of moneys allocated and transferred from the Educational Excellence Trust Fund; any general revenues as may be provided by the Revenue Stabilization Law, ACA 19-5-101 et seq.; and any other moneys as may be authorized by law."

AND

Renumber the subsequent sections of the bill.

(SIGNED) BOB MATHIS

Amendment No. 21 to Senate Bill No. 912, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Smith, and without objection, the rules were suspended

pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Smith, **Senate Bill No. 912** was called up for third reading and final disposition.

SENATE BILL NO. 912
As Engrossed: S3/26/03 S4/1/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS T. SMITH, ARGUE, GULLETT, ET AL
BY: REPRESENTATIVE MATHIS, R. SMITH

A Bill for an Act to be Entitled: *AN ACT TO MERGE THE ARKANSAS SCHOOL OF MATHEMATICS AND SCIENCES WITH THE UNIVERSITY OF ARKANSAS; AND FOR OTHER PURPOSES.*

Senate Bill No. 912 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 912 was ordered enrolled.

On motion of Senator Hill, **Senate Concurrent Resolution No. 33** was placed back on second reading for purpose of amendment.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

Amendment No. 2 to SENATE CONCURRENT RESOLUTION NO. 33

Amend **Senate Concurrent Resolution No. 33** as originally introduced:

Page 1, line 11, delete "APRIL 17" and substitute "APRIL 15"

AND

Page 1, line 17, delete "APRIL 17" and substitute "APRIL 15"

AND

Page 1, line 35, delete "Thursday, April 17" and substitute "Tuesday, April 15"

(SIGNED) JODIE MAHONY

Amendment No. 2 to Senate Concurrent Resolution No. 33, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Hill, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Hill, **SENATE CONCURRENT RESOLUTION NO. 33** was called up for third reading.

SENATE CONCURRENT RESOLUTION NO. 33

As Engrossed: H4/10/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR HILL

SENATE CONCURRENT RESOLUTION TO PROVIDE FOR AN EXTENSION OF THE REGULAR SESSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY UNTIL *APRIL 15, 2003*, TO ENABLE IT TO COMPLETE THE ESSENTIAL BUSINESS OF THE SESSION.

Senate Concurrent Resolution No. 33 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 33 was ordered enrolled.

On motion of Senator Steele, **SENATE CONCURRENT RESOLUTION NO. 31** was called up for third reading.

HALL OF THE HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

Amendment No. 1 to SENATE CONCURRENT RESOLUTION NO. 31

Amend **SENATE CONCURRENT RESOLUTION NO. 31** as originally introduced:

Add Representative Dobbins as a cosponsor of the resolution.

(SIGNED) R. DWAYNE DOBBINS

Amendment No. 1 to SENATE CONCURRENT RESOLUTION NO. 31, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Steele, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Steele, SENATE CONCURRENT RESOLUTION NO. 31 was called up for third reading.

SENATE CONCURRENT RESOLUTION NO. 31

As Engrossed: H3/24/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATOR STEELE

BY: REPRESENTATIVE DOBBINS

A Bill for an Act to be Entitled: REQUESTING THE CITY OF NORTH LITTLE ROCK AND THE NORTH LITTLE ROCK HOUSING AUTHORITY TO RENAME THE CAMPUS TOWERS BUILDING AS THE AMANDA TAYLOR TOWERS.

Senate Concurrent Resolution No. 31 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

SENATE CONCURRENT RESOLUTION NO. 31 was ordered enrolled.

On motion of Senator Madison, **Senate Bill No. 420** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 420

Amend **Senate Bill No. 420** as originally introduced:

Page 1, line 9, delete "25-1-206." and substitute "25-1-206; AND FOR OTHER PURPOSES."

AND

Page 1, delete 13 and substitute "206; AND FOR OTHER PURPOSES."

AND

Insert three additional sections immediately following Section 1 to read as follows:

"SECTION 2. Arkansas Code § 25-1-203(c), listing publications which are exempt from the paper reduction law, is amended by adding an additional subdivision to read as follows:

(11) Information, brochures, and catalogs distributed by an institution of higher education to any prospective student.

SECTION 3. Arkansas Code § 25-1-203 is amended by adding an additional subsection to read as follows:

(f)(1) For the period January 1, 2004, through December 31, 2005, any state publication may be distributed by an institution of higher education notwithstanding other provisions of this subchapter, but the publication shall contain information notifying the recipient of the right to be removed from the distribution list.

(2) The notice shall provide an address, which may be an e-mail address, and phone number to notify the institution of higher education to remove the recipient's name from the distribution list.

SECTION 4. This act becomes effective on January 1, 2004."

(SIGNED) BILL PRITCHARD

Amendment No. 1 to Senate Bill No. 420, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Madison, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Madison, **Senate Bill No. 420** was called up for third reading and final disposition.

SENATE BILL NO. 420
As Engrossed: H4/4/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS MADISON, CRITCHER

A Bill for an Act to be Entitled: AN ACT TO REPEAL ARKANSAS CODE § 25-1-206; AND FOR OTHER PURPOSES.

Senate Bill No. 420 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 420 was ordered enrolled.

Senate Bill No. 378 was ordered immediately returned to the House as requested.

On motion of Senator Faris, and without objection, Senate Bill No. 378 was recommended for study in the interim by Senate Interim Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

The President declared the morning hour to have expired.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENROLLED BILLS, to whom was referred:

SENATE BILL NO. 750, BY SENATOR WILKINS, ET AL,
SENATE BILL NO. 43, BY SENATOR SMITH,
SENATE BILL NO. 94, BY SENATOR FARIS,
SENATE BILL NO. 104, BY SENATOR BROADWAY,
SENATE BILL NO. 108, BY SENATOR FARIS,
SENATE BILL NO. 113, BY SENATOR FARIS,
SENATE BILL NO. 182, BY SENATOR BISBEE,
SENATE BILL NO. 320, BY SENATOR WOOLDRIDGE, ET AL,
SENATE BILL NO. 334, BY SENATOR MILLER, ET AL,
SENATE BILL NO. 363, BY SENATOR BOOKOUT, ET AL,
SENATE BILL NO. 610, BY SENATOR GULLETT, ET AL,
SENATE BILL NO. 701, BY SENATOR GULLETT, ET AL,
SENATE BILL NO. 724, BY SENATOR MADISON,
SENATE BILL NO. 725, BY SENATOR WILKINSON,

SENATE BILL NO. 832, BY SENATOR BROADWAY,
SENATE BILL NO. 867, BY SENATOR BROWN,
SENATE BILL NO. 879, BY SENATOR MALONE,
SENATE BILL NO. 905, BY SENATOR HILL,
SENATE BILL NO. 942, BY SENATOR STEELE, ET AL,
SENATE CONCURRENT RESOLUTION NO. 20,
BY SENATOR WOOLDRIDGE,
SENATE CONCURRENT RESOLUTION NO. 21,
BY SENATOR FARIS,
SENATE CONCURRENT RESOLUTION NO. 27,
BY SENATOR FARIS,
SENATE CONCURRENT RESOLUTION NO. 29,
BY SENATOR HOLT,
SENATE BILL NO. 203, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 487, BY SENATOR FARIS,
SENATE BILL NO. 75, BY SENATOR G. JEFFRESS,
SENATE BILL NO. 501, BY SENATOR MALONE, ET AL,
SENATE BILL NO. 588, BY SENATOR MILLER,
SENATE BILL NO. 719, BY SENATOR BOOKOUT, ET AL,
SENATE BILL NO. 759, BY SENATOR JOHNSON,
SENATE BILL NO. 913, BY SENATOR WILKINS,
SENATE BILL NO. 379, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 9:34 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 750,
SENATE BILL NO. 43,
SENATE BILL NO. 94,
SENATE BILL NO. 104,
SENATE BILL NO. 108,
SENATE BILL NO. 113,
SENATE BILL NO. 182,
SENATE BILL NO. 320,
SENATE BILL NO. 334,
SENATE BILL NO. 363,
SENATE BILL NO. 610,
SENATE BILL NO. 701,
SENATE BILL NO. 724,
SENATE BILL NO. 725,
SENATE BILL NO. 832,
SENATE BILL NO. 867,
SENATE BILL NO. 879,
SENATE BILL NO. 905,
SENATE BILL NO. 942,

SENATE CONCURRENT RESOLUTION NO. 20,
SENATE CONCURRENT RESOLUTION NO. 21,
SENATE CONCURRENT RESOLUTION NO. 27,
SENATE CONCURRENT RESOLUTION NO. 29,

SENATE BILL NO. 203,
SENATE BILL NO. 487,
SENATE BILL NO. 75,
SENATE BILL NO. 501,
SENATE BILL NO. 588,
SENATE BILL NO. 719,
SENATE BILL NO. 759,
SENATE BILL NO. 913,
SENATE BILL NO. 379,

RECEIVED the above papers from the Secretary of the Senate this 11th day of April,
2003 at 9:34 a.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) CORY COX
Secretary

On motion of Senator J. Jeffress , **House Joint Resolution NO. 1006** was
called up for third reading and final disposition.

HOUSE JOINT RESOLUTION NO. 1006

As Engrossed: H4/2/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES BOYD, ADAMS, AGEE, ET AL

BY: SENATORS J. JEFFRESS, BRYLES, G. JEFFRESS, ET AL

PROPOSING TO AMEND AMENDMENT 73 TO THE ARKANSAS CONSTITUTION
TO ESTABLISH TERM LIMITS FOR MEMBERS OF THE GENERAL ASSEMBLY.

House Joint Resolution No. 1006 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: J. Bookout, Brown, Capps, Critcher, Faris, Glover, Gullett, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Wooldridge.

Total 19

NEGATIVE: Altes, Baker, Bisbee, Broadway, Hendren, Hill, Holt.

Total 7

ABSENT OR NOT VOTING: Argue, Bryles, Higginbothom, Luker, Madison, Malone, Womack. Trusty and Wilkinson on leave.

Total 9

VOTING PRESENT:

Total 0

Total number of votes cast..... 26

Necessary to the passage of the bill 18

House Joint Resolution No. 1006 was read the third time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

Senator J. Jeffress moved that the vote by which

House Joint Resolution No. 1006 passed be reconsidered and that motion be laid upon the table, which motion prevailed and the motion to reconsider was laid on the table.

House Joint Resolution No. 1006 held in Chamber on motion of Senator J. Jeffress.

On motion of Senator Hill the Senate recessed until 12:45 p.m.

The Senate reconvened after recess. The Secretary called the roll, and a quorum was present.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Gullett, **Senate Bill No. 697** was called up for third reading and final disposition.

SENATE BILL NO. 697
As Engrossed: S3/27/03 S4/9/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR GULLETT
BY: REPRESENTATIVE SCROGGIN

A Bill for an Act to be Entitled: AN ACT TO HELP FUND TRAINING AND TECHNOLOGY FOR COUNTIES IN ORDER TO IMPROVE ELECTRONIC PUBLIC ACCESS AND TO HELP FUND LAND RECORDS MODERNIZATION; AND FOR OTHER PURPOSES.

Senator Miller spoke against the Bill.

Senator Gullett closed for the Bill.

Senate Bill No. 697 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Argue, Capps, Gullett, Horn, Wooldridge.

Total5

NEGATIVE: Altes, Baker, J. Bookout, Critcher, Faris, Glover, Hendren, Higginbothom, Holt, B. Johnson, Laverty, Luker, Miller, Whitaker, Wilkins, Womack.

Total16

ABSENT OR NOT VOTING: Bisbee, Broadway, Brown, Bryles, Hill, G. Jeffress, J. Jeffress, Madison, Malone, Salmon, T. Smith, Steele. Trusty and Wilkinson on leave.

Total14

VOTING PRESENT:

Total0

Total number of votes cast21

Necessary to the passage of the bill18

So the bill failed.

(SIGNED) ANN CORNWELL, SECRETARY

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which **Senate Bill No. 697** failed was expunged, in accordance with a prevailing motion on April 11, 2003.

Senator Glover moved that the record pertaining to the vote by which **Senate Bill No. 697** failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Gullett, and without objection, **Senate Bill No. 697** was recommended for study in the interim by Senate Interim Committee on TECHNOLOGY AND LEGISLATIVE AFFAIRS.

* * * * * **EXPUNGED** * * * * *

On motion of Senator J. Jeffress, **Senate Bill No. 35** was called up for third reading and final disposition.

SENATE BILL NO. 35
As Engrossed: S2/3/03 S3/4/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. JEFFRESS

A Bill for an Act to be Entitled: AN ACT TO ENCOURAGE PARENTAL INVOLVEMENT IN THEIR CHILD’S EDUCATION BY REQUIRING EMPLOYERS TO ALLOW PARENTS TO TAKE UNPAID LEAVE TO ATTEND PARENT-TEACHERS CONFERENCES; AND FOR OTHER PURPOSES.

Senate Bill No. 35 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Argue, J. Bookout, Brown, Capps, Critcher, Glover, Higginbothom, Holt, G. Jeffress, J. Jeffress, Lavery, Madison, T. Smith, Steele.

Total14

NEGATIVE: Altes, Baker, Broadway, Gullett, Hendren, B. Johnson, Whitaker, Wooldridge.

Total8

ABSENT OR NOT VOTING: Bisbee, Bryles, Faris, Hill, Horn, Luker, Malone, Miller, Salmon, Wilkins, Womack. Trusty and Wilkinson on leave.

Total13

VOTING PRESENT:

Total0

Total number of votes cast22

Necessary to the passage of the bill18

So the bill failed.

(SIGNED) ANN CORNWELL, SECRETARY

* * * * * **EXPUNGED** * * * * *

The record pertaining to the vote by which **Senate Bill No. 35** failed was expunged, in accordance with a prevailing motion on April 11, 2003.

Senator J. Jeffress moved that the record pertaining to the vote by which **Senate Bill No. 35** failed be expunged, the motion was duly seconded and prevailed.

On motion of Senator Lavery, **House Bill No. 2298** was called up for third reading and final disposition.

HOUSE BILL NO. 2298
As Engrossed: H3/31/03 H4/3/03 S4/9/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES HATHORN, MILLIGAN
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE FOR AN OFFICE OF DEPUTY PROSECUTING ATTORNEY FOR THE TWENTIETH JUDICIAL DISTRICT TO BE LOCATED IN SEARCY COUNTY; AND FOR OTHER PURPOSES.*

House Bill No. 2298 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty and Wilkinson	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2298 was ordered immediately returned to the House as passed as amended.

On motion of Senator Horn, House Bill No. 2192 was called up for third reading and final disposition.

HOUSE BILL NO. 2192
As Engrossed: H3/13/03 S4/10/03
 EIGHTY-FOURTH GENERAL ASSEMBLY
 REGULAR SESSION
 BY: REPRESENTATIVE R. SMITH

A Bill for an Act to be Entitled: AN ACT TO CONFORM INSURANCE TRADE PRACTICE LAWS APPLICABLE TO INSURERS AND DEPOSITORY CORPORATION AFFILIATES WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT; TO AUTHORIZE PAYMENTS OF CERTAIN REFERRAL FEES TO UNLICENSED ENTITIES IN CONFORMITY WITH FEDERAL LAW; TO AMEND THE INSURANCE SALES CONSUMER PROTECTION ACT TO CONFORM TO FEDERAL LAWS REGARDING BANKING AND INSURANCE; AND FOR OTHER PURPOSES.

House Bill No. 2192 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2192 was ordered immediately returned to the House as passed as amended.

On motion of Senator Baker, the rules were suspended in considering **Senate Concurrent Resolution No. 34** at this time.

On motion of Senator Baker, **Senate Concurrent Resolution No. 34** was called up for third reading.

**SENATE CONCURRENT RESOLUTION NO. 34
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR BAKER**

SENATE CONCURRENT RESOLUTION TO PROVIDE FOR AN EXTENSION OF THE EIGHTY-FOURTH GENERAL ASSEMBLY UNTIL BUSINESS, MAY 9, 2003, TO ENABLE IT TO COMPLETE THE ESSENTIAL BUSINESS OF THE SESSION; TO PROVIDE THAT THE EIGHTY-FOURTH GENERAL ASSEMBLY MAY BE CONVENED ON OR BEFORE MAY 9 TO CONSIDER VETOES, ERRORS, OMISSIONS, AND CONSTITUTIONAL AMENDMENTS..

Senate Concurrent Resolution No. 34 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Concurrent Resolution No. 34 was ordered immediately transmitted to the House.

On motion of Senator Smith, **House Bill No. 2453** was called up for third reading and final disposition.

HOUSE BILL NO. 2453
As Engrossed: H3/13/03 H4/4/03 S4/10/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES DANGEAU, STOVALL

A Bill for an Act to be Entitled: *AN ACT TO AMEND ARKANSAS CODE § 4-75-709(b) AND (c) AS ADDED BY ACT 627 OF 2003; AND FOR OTHER PURPOSES.*

House Bill No. 2453 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast.....	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 2453**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2453 was ordered immediately returned to the House as passed as amended.

On motion of Senator Smith, **House Bill No. 2696** was called up for third reading and final disposition.

HOUSE BILL NO. 2696
As Engrossed: H4/2/03 H4/4/03 S4/10/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LEDBETTER

A Bill for an Act to be Entitled: AN ACT CONCERNING ADDITIONAL FEES TO BE CHARGED BY BAIL BOND COMPANIES; AND FOR OTHER PURPOSES.

House Bill No. 2696 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	31
NEGATIVE: Critcher, Holt.	
Total	2
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2696 was ordered immediately returned to the House as passed as amended.

On motion of Senator Bookout, the rules were suspended in considering **House Bill No. 2228** at this time.

On motion of Senator Bookout, **House Bill No. 2228** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 2228

Amend **House Bill No. 2228** as engrossed, H4/3/03:

Page 13, delete lines 8 through 36 and substitute the following:

"SECTION 14. The bonds shall be payable from such revenues as appropriated by the General Assembly into the project fund."

AND

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

"SECTION 15. (a)(1) Moneys credited to the project fund shall be used for the"

AND

Page 14, line 10, delete "(d)" and substitute "(b)"

(SIGNED) SHARON TRUSTY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

The record pertaining to the adoption of **Amendment No. 1 to House Bill No. 2228** was receded from, in accordance with a prevailing motion on April 14, 2003.

On motion of Senator Bookout the Senate rescinded its previous action in the adoption of Amendment No. 1 to **House Bill No. 2228**.

* * * * * **EXPUNGED** * * * * *

On motion of Senator Bookout, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Bookout, **House Bill No. 2228** was called up for third reading and final disposition.

**HOUSE BILL NO. 2228
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM**

A Bill for an Act to be Entitled: THE ARKANSAS GENERAL OBLIGATION ECONOMIC DEVELOPMENT SUPERPROJECTS BOND AND PROJECT FUNDING ACT.

House Bill No. 2228 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Whitaker, Womack.

Total24

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Bisbee, Bryles, Gullett, G. Jeffress, J. Jeffress, Steele, Wilkins, Wooldridge. Trusty and Wilkinson on leave.

Total11

VOTING PRESENT:

Total0

Total number of votes cast24

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 2228**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, J. Bookout, Broadway, Brown, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Whitaker, Womack.

Total24

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Argue, Bisbee, Bryles, Gullett, G. Jeffress, J. Jeffress, Steele, Wilkins, Wooldridge. Trusty and Wilkinson on leave.

Total11

VOTING PRESENT:

Total0

Total number of votes cast.....24

Necessary to the adoption of the Emergency Clause.....24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2228 was ordered engrossed.

*** * * * * EXPUNGED * * * * ***

The record pertaining to the vote by which **House Bill No. 2228** passed was expunged, in accordance with a prevailing motion on April 14, 2003.

On motion of Senator Bryles, **House Bill No. 1981** was called up for third reading and final disposition.

HOUSE BILL NO. 1981
As Engrossed: H3/14/03 H3/21/03 S4/8/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PENIX
BY: SENATOR LAVERTY

A Bill for an Act to be Entitled: AN ACT TO ENHANCE THE PENALTY FOR DRIVING WHILE INTOXICATED IF A CHILD IS IN THE VEHICLE; AND FOR OTHER PURPOSES.

House Bill No. 1981 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1981 was ordered immediately returned to the House as passed as amended.

On motion of Senator Luker, **House Bill No. 2269** was called up for third reading and final disposition.

HOUSE BILL NO. 2269

As Engrossed: H3/14/03 H3/17/03 S4/8/03 S4/9/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES VERKAMP, LAMOUREUX, PATE, ET AL

BY: SENATOR WILKINSON

A Bill for an Act to be Entitled: AN ACT CONCERNING THE SALARIES OF THE JUDGES AND OTHER PERSONNEL OF THE VARIOUS DISTRICT COURTS; AND FOR OTHER PURPOSES.

House Bill No. 2269 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbotham, Hill, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	32
NEGATIVE: Holt.	
Total	1
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2269 was ordered immediately returned to the House as passed as amended.

On motion of Senator Baker, **House Bill No. 2749** was called up for third reading and final disposition.

HOUSE BILL NO. 2749
As Engrossed: H4/4/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PICKETT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE *PURPOSE* FOR OBTAINING A PRIVATE CLUB PERMIT; AND FOR OTHER PURPOSES.

House Bill No. 2749 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Baker, Broadway, Critcher, Faris, Hendren, Higginbothom, Hill, Horn, B. Johnson, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Wooldridge.

Total 18

NEGATIVE: Capps, Glover, Lavery, Whitaker.

Total 4

ABSENT OR NOT VOTING: Argue, Bisbee, J. Bookout, Brown, Bryles, Gullett, G. Jeffress, J. Jeffress, Wilkins, Womack. Trusty and Wilkinson on leave.

Total 12

VOTING PRESENT: Holt.

Total 1

Total number of votes cast 23

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2749 was ordered immediately returned to the House as passed.

On motion of Senator Whitaker, **House Bill No. 2709** was called up for third reading and final disposition.

HOUSE BILL NO. 2709
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE GREEN

A Bill for an Act to be Entitled: AN ACT TO REPEAL ARKANSAS CODE § 6-13-614 TO REMOVE CONFUSION REGARDING THE NUMBER OF MEMBERS THAT ARE REQUIRED FOR LOCAL SCHOOL BOARDS; AND FOR OTHER PURPOSES.

House Bill No. 2709 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2709 was ordered immediately returned to the House as passed.

On motion of Senator Whitaker, **House Bill No. 2712** was called up for third reading and final disposition.

HOUSE BILL NO. 2712
As Engrossed: H3/26/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE GREEN

A Bill for an Act to be Entitled: AN ACT TO EXTEND THE PERIOD OF TIME FOR FILING *CIVIL ACTIONS TO CHALLENGE HEARING OFFICERS' FINAL DECISION* UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT; AND FOR OTHER PURPOSES.

House Bill No. 2712 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2712 was ordered immediately returned to the House as passed.

On motion of Senator Madison, the rules were suspended in considering **Senate Bill No. 730** at this time.

On motion of Senator Madison, **Senate Bill No. 730** was placed back on second reading for purpose of amendment.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 730

Amend **Senate Bill No. 730** as engrossed, S4/10/03:

Page 2, line 5 delete "~~Nonpartisan Judicial General Election~~" and substitute "Nonpartisan Judicial General Primary Election"

AND

Page 2, line 7 delete "~~Democratic/ Nonpartisan Judicial General Election~~" and substitute "Democratic/ Nonpartisan Judicial General Primary Election"

AND

Page 2, line 8 delete "~~Republican/ Nonpartisan Judicial General Election~~" and substitute "Republican/ Nonpartisan Judicial General Primary Election"

AND

Page 3, delete lines 16 through 18 and substitute the following:
"number of votes shall be certified to the general election."

AND

Page 3, line 36 after "candidates" and before "for" insert "who qualify for the primary election"

AND

Page 4, line 4 after "same" insert "at the primary election for nonpartisan judicial offices"

AND

Page 4, delete line 27 and substitute the following:
"election, or any special election.

SECTION 4. Arkansas Code § 7-10-103(d)(2), concerning write-in candidates, is amended to read as follows:

(2) The written notice must be given not later than sixty (60) days before the ~~nonpartisan judicial election~~ preferential primary preceding the general election.

SECTION 5. Arkansas Code § 7-1-101(19), concerning the definition of primary election, is amended to read as follows:

(19) "Primary election" means any election held by a political party in the manner provided by law for the purpose of selecting nominees of said political party for certification as candidates for election at any general or special election in this state or any election held for the purpose of narrowing the field of candidates for nonpartisan judicial office to two candidates;

SECTION 6. Arkansas Code § 7-5-407(a), concerning the preparation and delivery of ballots, is amended to read as follows:

(a) The county board of election commissioners shall prepare official absentee ballots and deliver them to the county clerk for mailing to all qualified applicants as soon as practicable but in any event not later than twenty-five (25) days before a preferential primary, general election, school election, ~~nonpartisan judicial general election, nonpartisan judicial runoff election,~~ or any special election."

(SIGNED) SUE MADISON

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Madison, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Madison, **Senate Bill No. 730** was called up for third reading and final disposition.

SENATE BILL NO. 730
As Engrossed: S4/10/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR WOMACK

A Bill for an Act to be Entitled: AN ACT TO REVISE CERTAIN PROVISIONS CONCERNING NONPARTISAN ELECTIONS; AND FOR OTHER PURPOSES.

Senate Bill No. 730 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.

Total2

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 730 was ordered engrossed.

On motion of Senator Salmon, **House Bill No. 2347** was called up for third reading and final disposition.

HOUSE BILL NO. 2347
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LEDBETTER

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE EMPLOYEES OF THE NINTH DIVISION OF THE SIXTH JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.

House Bill No. 2347 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Laverty, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2347 was ordered immediately returned to the House as passed.

On motion of Senator Salmon, **House Bill No. 2321** was called up for third reading and final disposition.

HOUSE BILL NO. 2321
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE VERKAMP

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE EMPLOYMENT OF AN ATTORNEY IN FIRST-CLASS CITIES IF NO ATTORNEY RESIDES WITHIN THE CITY OR IF NO RESIDENT ATTORNEY IS ELECTED OR WILLING TO SERVE AS CITY ATTORNEY; AND FOR OTHER PURPOSES.

House Bill No. 2321 was placed on third reading and final disposition, the question being: Shall the Bill pass?

The Secretary called the roll, and the following members voted:

AFFIRMATIVE: Altes, Argue, Baker, Bisbee, J. Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Gullett, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, B. Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, T. Smith, Steele, Whitaker, Wilkins, Womack, Wooldridge.

Total	33
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Trusty and Wilkinson on leave.	
Total	2
VOTING PRESENT:	
Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2321 was ordered immediately returned to the House as passed.

On motion of Senator Broadway, the rules were suspended in considering **Senate Bill No. 774** at this time.

On motion of Senator Broadway, **Senate Bill No. 774** was placed back on second reading for purpose of amendment.

Amendment No. 2 withdrawn.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 774

Amend **Senate Bill No. 774** as engrossed, S3/12/03:

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

"SECTION 1. Arkansas Code Title 19, Chapter 9, Subchapter 5 is amended to add an additional section to read as follows:

19-9-503. Act No. 9 reporting.

(a) As used in this section, "Act No. 9 bond" means revenue bonds issued in accordance with the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, § 14-164-201 et seq.

(b) All cities and counties shall annually file a report with the State Board of Finance, on or before October 1, reflecting any and all Act No. 9 bonds which have been issued and have not been liquidated as of the preceding July 1 by the city or county.

(c) The report shall contain the following information:

(1) The name of the property owner;

(2) The name of the property user;

(3) The county in which the property is located;

(4) The school district in which the property is located;

(5) The address of the property;

(6) The beginning and ending dates of the Act No. 9 bond issue or reissue; and

(7) The amount of the Act No. 9 bond issue or issues used to finance the industrial facility.

(d) The Secretary of the State Board of Finance shall compile a summary report of all Act No. 9 bonds from information provided under this section and present the summary report to the Legislative Council as soon as practicable after each October 1."

(SIGNED) SHANE BROADWAY

The Amendment was read the first time, rules suspended, read the second time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 774 was ordered engrossed.

Senate Bills returned from the House as passed and ordered enrolled:

SENATE BILL NO. 503
SENATE BILL NO. 575
SENATE BILL NO. 606

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 226, BY SENATOR FARIS,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 857, BY SENATOR BRYLES,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 857 was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

HOUSE BILL NO. 1469, BY REPRESENTATIVE GREEN,
HOUSE BILL NO. 1851, BY REPRESENTATIVE VERKAMP,
HOUSE BILL NO. 2236, BY REPRESENTATIVE PENIX,
HOUSE BILL NO. 2327, BY REPRESENTATIVE DEES,
HOUSE BILL NO. 2421, BY REPRESENTATIVE DANGEAU,
HOUSE BILL NO. 2457, BY REPRESENTATIVE MARTIN,
HOUSE BILL NO. 2476, BY REPRESENTATIVE ADAMS,

HOUSE BILL NO. 2502, BY REPRESENTATIVE ADAMS,
HOUSE BILL NO. 2503, BY REPRESENTATIVE SULLIVAN,
HOUSE BILL NO. 2834, BY REPRESENTATIVE PENIX,

beg leave to report that we have carefully compared the engrossed copies with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

HOUSE BILL NO. 2248, BY REPRESENTATIVE BLAIR,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

House Bill No. 2248 was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

HOUSE BILL NO. 2390, BY REPRESENTATIVE PENIX,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

House Bill No. 2390 was ordered re-referred to the Committee on INSURANCE AND COMMERCE.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENROLLED BILLS, to whom was referred:

SENATE BILL NO.912, BY SENATOR T. SMITH, ET AL,
SENATE CONCURRENT RESOLUTION NO. 33,

BY SENATOR HILL,

SENATE CONCURRENT RESOLUTION NO. 31,

BY SENATOR STEELE, ET AL,

SENATE BILL NO.420, BY SENATOR MADISON, ET AL,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 12:08 p.m. delivered them to the Governor for his approval.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPES, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 912
SENATE CONCURRENT RESOLUTION NO. 33
SENATE CONCURRENT RESOLUTION NO. 31
SENATE BILL NO. 420

RECEIVED the above papers from the Secretary of the Senate this 11th day of April, 2003 at p.m..

(SIGNED) MIKE HUCKABEE
Governor

(SIGNED) CORY COX
Secretary

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 157, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 158, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 184, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 246, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 259, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 254, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 282, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 306, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 339, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass.

Respectfully submitted,
(SIGNED) DAVID A. BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 32, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 68, BY JOINT BUDGET COMMITTEE,

SENATE BILL NO. 166, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 175, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 205, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 755, BY JOINT BUDGET COMMITTEE,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that they do pass as amended.

Respectfully submitted,
(SIGNED) DAVID A. BISBEE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

HOUSE BILL NO. 1561, BY JOINT BUDGET COMMITTEE,
HOUSE BILL NO. 1567, BY JOINT BUDGET COMMITTEE,
HOUSE BILL NO. 1992, BY REPRESENTATIVE GILLESPIE,

beg leave to report that we have had the same under consideration, and herewith
return the same with the recommendation that they do pass as amended

Respectfully submitted,
(SIGNED) DAVID A. BISBEE, CHAIRMAN

HOUSE BILL NO. 1351
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE LAND DEPARTMENT AND FOR DISTRIBUTING PROCEEDS FROM THE SALE OR REDEMPTION OF TAX DELINQUENT LAND FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1351 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1392
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES, OPERATING EXPENSES AND GRANTS FOR THE PURPOSE OF MONITORING AND EVALUATING PROGRAM EXPENDITURES FROM THE PROGRAM ACCOUNTS OF THE TOBACCO SETTLEMENT PROGRAM FUND FOR THE ARKANSAS TOBACCO SETTLEMENT COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1392 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1418
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF AGING AND ADULT SERVICES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 1418 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 1854
As Engrossed: H4/10/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES CLEVELAND, C. JOHNSON, DICKINSON, ET AL
BY: SENATORS BAKER, BROADWAY, LAVERTY

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM TO GIVE PRIORITY IN AWARDS TO APPLICANTS AGREEING TO TEACH IN SUBJECT MATTER *AREAS OF CRITICAL NEED OR GEOGRAPHICAL AREAS OF CRITICAL NEED; TO CREATE A GRADUATED AWARD SCALE FOR NEW RECIPIENTS OF AN ACADEMIC CHALLENGE AWARD; TO GIVE THE DEPARTMENT OF HIGHER EDUCATION AUTHORITY TO MAKE AWARDS TO STUDENTS WHO DID NOT RECEIVE AN AWARD BECAUSE OF FUNDING SHORTAGES; AND FOR OTHER PURPOSES.*

House Bill No. 1854 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2149
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WHITE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR EXPENSES NECESSARY TO DEVELOP A COMPREHENSIVE PLAN TO REVISE CONTENT STANDARDS AND CURRICULUM FRAMEWORKS IN CORE ACADEMIC AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, GEOGRAPHY, AND CIVICS FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR OTHER PURPOSES.

House Bill No. 2149 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 2155
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES FITE, J. JOHNSON

A Bill for an Act to be Entitled: AN ACT TO SUBJECT AN OFFENDER TO AN ENHANCED PENALTY FOR MANUFACTURING A CONTROLLED SUBSTANCE NEAR CERTAIN FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 2155 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 2222
As Engrossed: H4/7/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
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 No. 2222 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2297
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CODE IN ORDER TO CLARIFY AND ADD ADDITIONAL PROVISIONS AND REQUIREMENTS IN THE PERFORMANCE BUDGETING AND ACCOUNTABILITY SYSTEM; AND FOR OTHER PURPOSES.

House Bill No. 2297 was read the first time, rules suspended, read the second time and placed on the Calendar.

HOUSE BILL NO. 2352

As Engrossed: H4/10/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES CLEVELAND, MAHONY, C. JOHNSON, ET AL

BY: SENATORS HILL, BAKER, J. BOOKOUT, ET AL

A Bill for an Act to be Entitled: *AN ACT TO REPEAL THE EMERGENCY SECONDARY EDUCATION LOAN PROGRAM; TO CREATE THE STATE TEACHER ASSISTANCE RESOURCE PROGRAM; AND FOR OTHER PURPOSES.*

House Bill No. 2352 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2361

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES WOOD, ADAMS, SCROGGIN

A Bill for an Act to be Entitled: *AN ACT TO AMEND THE CRIMINAL LAWS PERTAINING TO CABLE TELEVISION AND COMMUNICATION SERVICES; AND FOR OTHER PURPOSES.*

House Bill No. 2361 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 2382
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BRADFORD

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE MULTI-AGENCY INSURANCE TRUST FUND TO PROVIDE FOR PROPERTY, INLAND MARINE, BOILER AND MACHINERY, AND RELATED COVERAGE; TO ASSIST PARTICIPATING AGENCIES IN THE MINIMIZATION OF INSURANCE COSTS; AND FOR OTHER PURPOSES.

House Bill No. 2382 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2409
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS TELECOMMUNICATIONS REGULATORY REFORM ACT TO EXCLUDE CHARGES FOR EXTENDED AREA SERVICES IN DETERMINING RATE INCREASES UNDER ARKANSAS CODE § 23-17-412; AND FOR OTHER PURPOSES.

House Bill No. 2409 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2431
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LAMOUREUX

A Bill for an Act to be Entitled: AN ACT TO REQUIRE PARENTAL CONSENT BEFORE PERFORMING AN ABORTION ON A MINOR; AND FOR OTHER PURPOSES.

House Bill No. 2431 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

HOUSE BILL NO. 2441
As Engrossed: H4/3/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE STOVALL

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS TELECOMMUNICATIONS *REGULATORY REFORM ACT OF 1997 TO PROMOTE THE PROPER APPLICATION OF ACCESS CHARGES*; AND FOR OTHER PURPOSES.

House Bill No. 2441 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

HOUSE BILL NO. 2716
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE ROSENBAUM

A Bill for an Act to be Entitled: AN ACT CONCERNING AN INTERLOCK RESTRICTED LICENSE FOR PERSONS WHO PLEAD GUILTY, NOLO CONTENDERE TO, OR ARE FOUND GUILTY OF DRIVING WHILE INTOXICATED; AND FOR OTHER PURPOSES.

House Bill No. 2716 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

HOUSE BILL NO. 2717
As Engrossed: H4/4/03
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BLAIR

A Bill for an Act to be Entitled: *AN ACT TO ESTABLISH AN EMPLOYEE PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES IN THE PUBLIC SCHOOLS OF ARKANSAS; AND FOR OTHER PURPOSES.*

House Bill No. 2717 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2771

As Engrossed: H3/25/03 H3/27/03 H4/4/03 H4/10/03

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES R. SMITH, MATHIS, MOORE

BY: SENATORS T. SMITH, FARIS

A Bill for an Act to be Entitled: *AN ACT TO MERGE THE ARKANSAS SCHOOL OF MATHEMATICS AND SCIENCES WITH THE UNIVERSITY OF ARKANSAS; AND FOR OTHER PURPOSES.*

House Bill No. 2771 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2842

EIGHTY-FOURTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WHITE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER 17, SUBCHAPTER 2 TO PROVIDE FOR AN INTERIM PERSONNEL POLICIES COMMITTEE IN THE EVENT OF CONSOLIDATION OF SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

House Bill No. 2842 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

HOUSE BILL NO. 2843
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WHITE

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER 17, SUBCHAPTER 2 TO PROVIDE FOR A UNIFORM REDUCTION IN FORCE POLICY; AND FOR OTHER PURPOSES.

House Bill No. 2843 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
STATE CAPITOL
LITTLE ROCK, ARKANSAS

MIKE HUCKABEE
Governor

April 11, 2003

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on April 10, 2003, I approved the following measure:

Senate Bill No. 66, which is now Act 1205 of 2003, and
Senate Bill No. 82, which is now Act 1206 of 2003, and
Senate Bill No. 96, which is now Act 1207 of 2003, and
Senate Bill No. 147, which is now Act 1208 of 2003, and
Senate Bill No. 170, which is now Act 1209 of 2003, and
Senate Bill No. 280, which is now Act 1210 of 2003, and
Senate Bill No. 284, which is now Act 1211 of 2003, and
Senate Bill No. 318, which is now Act 1212 of 2003, and
Senate Bill No. 333, which is now Act 1213 of 2003, and

Senate Bill No. 742, which is now Act 1214 of 2003, and
Senate Bill No. 763, which is now Act 1215 of 2003, and
Senate Bill No. 811, which is now Act 1216 of 2003, and
Senate Bill No. 897, which is now Act 1217 of 2003, and
Senate Bill No. 915, which is now Act 1218 of 2003.

Sincerely,

(SIGNED) MIKE HUCKABEE
Governor

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 730, BY SENATOR WOMACK,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

Senate Bill No. 730 was ordered immediately transmitted to the House.

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

SENATE BILL NO. 774, BY SENATOR BROADWAY,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

ARKANSAS SENATE
EIGHTY-FOURTH GENERAL ASSEMBLY
REGULAR SESSION

April 11, 2003

Mr. President:

We, your Committee on ENGROSSED BILLS, to whom was referred:

HOUSE BILL NO. 2228, BY REPRESENTATIVE ROSENBAUM,

beg leave to report that we have carefully compared the engrossed copy with the original and we find the same correctly engrossed.

Respectfully submitted,
(SIGNED) JOHN PAUL CAPPS, CHAIRMAN

* * * * *

SENATE BILL TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 735

SENATE CONCURRENT RESOLUTION TRANSMITTED
TO THE HOUSE AS ADOPTED

SENATE CONCURRENT RESOLUTION NO. 34

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED

HOUSE BILL NO. 2321
HOUSE BILL NO. 2347
HOUSE BILL NO. 2709
HOUSE BILL NO. 2712
HOUSE BILL NO. 2749

HOUSE BILLS RETURNED TO THE HOUSE
AS PASSED AS AMENDED

HOUSE BILL NO. 1981
HOUSE BILL NO. 2192
HOUSE BILL NO. 2269
HOUSE BILL NO. 2298
HOUSE BILL NO. 2453
HOUSE BILL NO. 2696

HOUSE CONCURRENT RESOLUTION RETURNED
TO THE HOUSE AS CONCURRED

HOUSE CONCURRENT RESOLUTION NO. 1011
HOUSE CONCURRENT RESOLUTION NO. 1014

SENATE BILLS RETURNED FROM THE HOUSE
AS PASSED

SENATE BILL NO. 503
SENATE BILL NO. 575
SENATE BILL NO. 606

SENATE BILL RETURNED FROM THE HOUSE AS REQUESTED

SENATE BILL NO. 378

HOUSE BILLS TRANSMITTED TO THE SENATE
AS PASSED

HOUSE BILL NO. 1351
HOUSE BILL NO. 1392
HOUSE BILL NO. 1418
HOUSE BILL NO. 1854
HOUSE BILL NO. 2149
HOUSE BILL NO. 2155
HOUSE BILL NO. 2222
HOUSE BILL NO. 2297
HOUSE BILL NO. 2352
HOUSE BILL NO. 2361
HOUSE BILL NO. 2382
HOUSE BILL NO. 2409

HOUSE BILL NO. 2431
HOUSE BILL NO. 2441
HOUSE BILL NO. 2716
HOUSE BILL NO. 2717
HOUSE BILL NO. 2771
HOUSE BILL NO. 2842
HOUSE BILL NO.2843

On motion of Senator Baker, the Senate adjourned until 1:00 p.m., Monday,
April 14, 2003.

PRESIDENT

SECRETARY

