

SIXTY-FIRST DAY'S PROCEEDINGS  
HALL OF THE HOUSE OF REPRESENTATIVES

Little Rock, Arkansas  
March 11, 2005

The House was called to order at 10:00 a.m. by Mr. Stovall, the Speaker.  
The following members answered to the roll call:

Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt, Mr. Speaker.

Total .....95

The following member(s) was absent and did not answer to the roll call:  
Borhauer, Chesterfield, Cook, Dobbins, Thyer.

Total .....5

A quorum was present.

Unanimous leave was granted for Representative(s) Borhauer, Chesterfield, Cook, Dobbins, Thyer.

The House stood and was led in prayer by Rabbi Eugene Levy, Israel Temple B'nai, Little Rock, Arkansas.

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

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

COMMITTEE REPORT

	March 11, 2005
AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS	JOHNNY KEY CHAIRPERSON
HOUSE BILL NO. 1598	DO PASS, TO CONCUR IN SENATE AMENDMENT #1 AND #2
BY REPRESENTATIVE WOOD	
HOUSE RESOLUTION NO. 1023	DO PASS
BY REPRESENTATIVE GOSS	
SENATE BILL NO. 598	DO PASS, AS AMENDED #1
BY SENATOR HIGGINBOTHOM	
SENATE BILL NO. 963	DO PASS
BY SENATOR GLOVER	

COMMITTEE REPORT

	March 11, 2005
AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT	TRAVIS BOYD CHAIRPERSON
HOUSE CONCURRENT RESOLUTION NO. 1026	DO PASS
BY REPRESENTATIVE D. JOHNSON	
HOUSE CONCURRENT RESOLUTION NO. 1027	DO PASS
BY REPRESENTATIVE PATE	

COMMITTEE REPORT

	March 11, 2005
CITY, COUNTY AND LOCAL AFFAIRS	WILL BOND CHAIRPERSON
HOUSE BILL NO. 1228	DO PASS, TO CONCUR IN SENATE AMENDMENT #2
BY REPRESENTATIVE WILLS	
HOUSE BILL NO. 2644	DO PASS
BY REPRESENTATIVE MALOCH	
HOUSE BILL NO. 2897	DO PASS, AS AMENDED #1
BY REPRESENTATIVE L. SMITH	

COMMITTEE REPORT

	March 11, 2005
INSURANCE AND COMMERCE	DAVID EVANS CHAIRPERSON
HOUSE BILL NO. 1264	DO PASS
BY REPRESENTATIVE CHILDERS	
HOUSE BILL NO. 1781	DO PASS
BY REPRESENTATIVE BERRY	

COMMITTEE REPORT

	March 11, 2005
STATE AGENCIES AND GOVERNMENTAL AFFAIRS	DENNY SUMPTER CHAIRPERSON
HOUSE BILL NO. 2947	DO PASS
BY REPRESENTATIVE J. MARTIN	
HOUSE CONCURRENT RESOLUTION NO. 1015	DO PASS
BY REPRESENTATIVE EDWARDS	
SENATE BILL NO. 337	DO PASS
BY SENATOR FARIS	

COMMITTEE REPORT

	March 11, 2005
JOINT BUDGET	SAM LEDBETTER CHAIRPERSON
SENATE BILL NO. 541	DO PASS
BY JOINT BUDGET COMMITTEE	
SENATE BILL NO. 533	DO PASS
BY SENATOR HILL	

Upon motion of Representative Wood, HOUSE BILL NO. 2743 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2743

Amend HOUSE BILL NO. 2743 as originally introduced:

Add Representative Dickinson as a cosponsor

/s/ Jeff Wood

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Burris, HOUSE BILL NO. 2610 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2610

Amend HOUSE BILL NO. 2610 as originally introduced:

Page 4, delete line 27 entirely, and substitute the following:

"when the department calculates financial need.

SECTION 2. Arkansas Code § 6-82-1006(c), concerning the amount of the Academic Challenge Scholarship award, is amended to read as follows:

(c)(1) For recipients who graduated from high school between January 1, 1995, and December 31, 1996, the amount of the annual scholarship awarded to each recipient shall be the lesser of one thousand five hundred dollars (\$1,500) or the annual tuition charged by the approved institution in which the recipient is enrolled.

(2) For recipients who graduated from high school between January 1, 1997, and December 31, 1998, the amount of the annual scholarship awarded to each recipient shall be the lesser of two thousand five hundred dollars (\$2,500) or the annual tuition charged by the approved institution in which the recipient is enrolled.

(3) For recipients who graduated from high school after December 31,

1998, the amount of the annual scholarship awarded to each recipient shall be two thousand five hundred dollars (\$2,500).

(4) For recipients who graduated from high school after December 31, 2001 but before December 31, 2004, the amount of the annual scholarship awarded to each recipient shall be graduated as follows:

(A) A recipient in his or her freshman year shall be awarded an amount not to exceed two thousand dollars (\$2,000);

(B) A recipient in his or her sophomore year shall be awarded an amount not to exceed two thousand two hundred fifty dollars (\$2,250);

(C) A recipient in his or her junior year shall be awarded an amount not to exceed two thousand five hundred dollars (\$2,500); and

(D) A recipient in his or her senior year shall be awarded an amount not to exceed three thousand dollars (\$3,000).

(5) For recipients who graduated from high school after December 31, 2004, the amount of the annual scholarship awarded to each recipient shall be graduated as follows:

(A) A recipient in his or her freshman year shall be awarded an amount not to exceed two thousand five hundred dollars (\$2,500);

(B) A recipient in his or her sophomore year shall be awarded an amount not to exceed two thousand seven hundred fifty dollars (\$2,750);

(C) A recipient in his or her junior year shall be awarded an amount not to exceed three thousand five hundred dollars (\$3,000); and

(D) A recipient in his or her senior year shall be awarded an amount not to exceed three thousand five hundred dollars (\$3,500)."

SECTION 3. Arkansas Code § 6-82-1008 is amended to read as follows:

6-82-1008. Awards not funded.

(a)(1) Any applicant who graduated after December 31, 2001, who was eligible to receive an academic challenge award but did not receive the award because of insufficient funding in the program may be eligible to receive an award to begin in a year other than the freshman year.

(2) Any student enrolled in an institution of higher education must have achieved at least a 2.0 cumulative grade point average to be eligible for a deferred award.

~~(b) The Arkansas Higher Education Coordinating Board and the Department of Higher Education shall promulgate regulations necessary for the implementation of this section.~~

~~(c)~~(3) Any award made under ~~this section~~ subsection (a) of this

section shall have funding priority as follows:

~~(1)~~(A) Awards shall be made first to individuals who made application prior to the original deadline during the individual's senior year in high school, received an award letter from the department but did not receive an award because of insufficient funding, and are now eligible under this section;

~~(2)~~(B) Awards shall be made, second, to the current-year high school graduates who are for the first time eligible to receive an Arkansas Academic Challenge Award; and

~~(3)~~(C) If sufficient funds are available after funding awards under subdivisions ~~(c)(1) and (c)(2)~~ (a)(3)(A) and (a)(3)(B) of this section, awards may be made to individuals who did not apply during their senior year in high school but would have been eligible if the individuals had applied prior to that year's deadline and who are now eligible under this section.

(b) If sufficient funding is available, any applicant who graduated after December 31, 2003 may be eligible to receive an award to begin in a year other than the freshman year if the applicant:

(1) Is currently enrolled in an eligible institution;

(2) Has achieved at least a 2.0 cumulative grade point average, and

(3) The applicant would have been eligible to receive an academic challenge scholarship based upon the increase family income values established under § 6-82-1005(b)(6)(D)(iv) but did not receive the award because the family income limitations under § 6-82-1005(b)(6)(D)(iii) or did not complete the fourth (4) mathematics requirements because the applicant did not anticipate eligibility based on the former income guidelines.

(c) The Arkansas Higher Education Coordinating Board and the Department of Higher Education shall promulgate regulations necessary for the implementation of this section."

AND

If appropriate, renumber the remaining sections of the bill

/s/ Mike Burris

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 2886** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2886**

Amend **HOUSE BILL NO. 2886** as originally introduced:

Page 1, delete line 5 entirely, and substitute the following:

"By: Representative Pickett"

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative J. Johnson, **HOUSE BILL NO. 2757** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2757**

Amend **HOUSE BILL NO. 2757** as originally introduced:

Page 1, delete line 5 entirely, and substitute the following:

"By: Representative Cook"

/s/ Janet Johnson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 2501** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2501**

Amend **HOUSE BILL NO. 2501** as originally introduced:

Page 1, delete lines 28 through 34 and substitute the following:

"(a)(1) Conflict of Interest.

(1) Unless approved as provided in § 19-11-718, it shall be a breach of ethical standards for any employee or a member of the employee's immediate family to have a financial interest in a contract with the state agency employing the employee or a nonprofit organization created for the specific benefit of the state agency employing the employee.

(2) It shall be a breach of ethical standards for any employee to participate directly or indirectly in any proceeding or application, in any request for ruling or other determination, in any claim or controversy, or in any other particular matter pertaining to any contract or subcontract, and any solicitation or proposal therefor with a state agency, in which to the employee's knowledge:"

AND

Page 2, line 7, delete "(2)" and substitute "~~(2)~~(3)"

AND

Page 2, line 8, delete "a financial interest."

AND

Page 2, line 17, delete "Director" and substitute "~~Director~~ executive director"

AND

Page 2, delete line 18, and substitute the following:

~~"Department of Finance and Administration~~ Arkansas Ethics Commission."

AND

Page 2, line 21, delete "Director" and substitute "~~Director~~ executive director"

AND

Page 2, line 22, delete "Department of Finance and Administration" and substitute "~~Department of Finance and Administration~~ Arkansas Ethics Commission"

AND

Page 2, delete lines 33 and 34 and substitute the following:

~~"Director of the Department of Finance and Administration~~ executive director of the Arkansas Ethics Commission by August 1 for transactions or contracts pertaining to the previous fiscal year. However, this section shall not apply to a contract with a"

AND

Immediately following SECTION 3, add additional sections to read as follows:

"SECTION 4. Arkansas Code § 19-11-712(b), pertaining to the civil and administrative remedies against employees who breach ethical standards, is amended to read as follows:

(b) Supplemental Remedies. In addition to existing remedies for breach of the ethical standards of this subchapter, or regulations promulgated thereunder, the executive director of the Arkansas Ethics Commission may recommend to the Director of the Department of Finance and Administration or other executive or governing body the imposition of ~~may impose~~ any one (1) or more of the following:

- (1) Oral or written warnings or reprimands;
- (2) Forfeiture of pay without suspension;
- (3) Suspension with or without pay for specified periods of time; and
- (4) Termination of employment.

SECTION 5. Arkansas Code § 19-11-713(b), pertaining to the civil and administrative remedies against nonemployees who breach ethical standards, is amended to read as follows:

(b) Supplemental Remedies. In addition to the existing remedies for breach of the ethical standards of this subchapter, or regulations promulgated thereunder, the executive director of the Arkansas Ethics Commission may recommend to the Director of the Department of Finance and Administration or other executive or governing body the imposition of ~~may impose~~ any one or more of the following:

- (1) Oral or written warnings or reprimands;
- (2) Termination of transactions; and
- (3) Suspension or debarment from being a contractor or subcontractor under state contracts."

AND

Page 4, line 18, add "pertaining to the prior fiscal year" between "transactions" and "by"

AND

Page 5, line 8, add "pertaining to the prior fiscal year" between "transactions" and "by"

AND

Page 5, delete lines 16 through 32 and substitute the following:

"19-11-718. Issue of waivers by the Arkansas Ethics Commission.

(a) A state agency or a nonprofit organization created for the specific benefit of a state agency may file a request with the Arkansas Ethics Commission to review a contract between the state agency or nonprofit organization and an employee of that state agency or nonprofit organization and to request a waiver for the contract from the provisions of this subchapter.

(b) The request shall fully disclose all pertinent terms and conditions of the contract and shall state the unusual circumstances necessitating and justifying the contract.

(c) The commission may request additional information, testimony, or other pertinent data before ruling on the request.

(d) After examining the submitted information and additional requested testimony or data, the commission may approve by a majority vote the waiver of the contract if in the opinion of the commission:

(1) The circumstances are such that fair competitive access to governmental procurement has been obtained;

(2) The contract is in the best interest of the state;

(3) The state agency or nonprofit organization has followed proper procedures in bidding or awarding the contract;

(4) Reasonable alternatives for contracting with a nonemployee are not available;

(5) It appears that an employee has not used his or her position to obtain the contract; and

(6) Any ethical conflict is insubstantial or remote."

AND

Page 5, delete line 33 and substitute:

"(e) All decisions of the commission regarding the"

AND

Page 5, line 34, delete "agency, the" and substitute "agency or nonprofit organization, the"

AND

Page 6, line 1, delete "(d)" and substitute "(f)"

AND

Page 6, line 4, delete "(e)" and substitute "(g)"

AND

Page 6, line 6, delete "(f)" and substitute "(h)"

AND

Immediately following SECTION 7, add an additional section to read as follows:

"SECTION 10. Arkansas Code § 19-11-1004(c), pertaining to restrictions on contracts, is amended to read as follows:

(c)(1) Except as provided in this subsection, no state agency shall engage in a professional services or consultant services contract with a part-time or full-time employee who occupies a position authorized to be paid from extra help or regular salaries for a state agency, except as provided in § 21-1-403.

(2) However, this subsection does not prohibit an institution of higher education from executing a contract with a state agency under which professional or consulting services will be performed by employees of the institution of higher education.

(3) An employee of an institution of higher education performing professional or consulting services to a state agency may receive additional compensation if:

(A) The institution of higher education requests and receives written approval from the Office of Personnel Management of the Department of Finance and Administration concerning the amount of additional compensation to be paid to any employee; and

(B) The total salary payments received from the employee's regular salaried position and amounts received for services performed under a professional services contract do not exceed one hundred twenty-five percent (125%) of the maximum annual salary authorized by law for the employee's position with the institution of higher education.

(4) Any state agency engaging in a professional services or consultant services contract as provided in subdivisions (c)(2) or (c)(3) of this section shall provide a listing of such contracts for the previous year, including the amounts paid and the person or persons performing the services, to the Legislative Council and the Legislative Joint Auditing Committee by August 1 of each year."

AND

Appropriately renumber the sections of the bill

/s/ Jodie Mahony

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Anderson, **HOUSE BILL NO. 2423** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2423**

Amend **HOUSE BILL NO. 2423** as originally introduced:

Add Representative Matayo as cosponsor

AND

Page 1, delete lines 32 through 33 entirely, and substitute the following:

"have displayed material harmful to minors if the ~~lower two-thirds (2/3) of the material~~ portion that is harmful to minors is not exposed to view and the item is segregated in a manner that"

AND

If appropriate, renumber the remaining sections of the bill

/s/ Keven Anderson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pace, **HOUSE BILL NO. 2494** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2494**

Amend **HOUSE BILL NO. 2494** as originally introduced:

Page 1, line 11, delete the word "MISDEMEANOR"

AND

Page 1, line 18, delete the word "MISDEMEANOR"

AND

Page 1, line 23, insert a new section of the bill to read as follows:

"SECTION 1. Arkansas Code § 20-13-1106(a), concerning criminal background checks for emergency medical technicians, is amended to read as follows:

(a) The Division of EMS and Trauma Systems shall issue a determination that a person is disqualified from certification or recertification if the person has been found guilty of or has pled guilty or nolo contendere to any of the offenses listed in subsection (b) of this section, including offenses for which the record has been expunged. However, the division will forward a request for a waiver to the Director of the Department of Health on all applicants who have been convicted of the crimes listed in subsection (b) of this section if five (5) years have passed since the conviction, if five (5) years have passed since release from custodial confinement, or if the applicants are currently certified emergency medical technicians, prior to making the final determination on certification or recertification. These individuals will not be suspended prior to the director's making the final determination."

AND

Renumber subsequent sections of the bill.

/s/ Daryl Pace

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Chesterfield, **HOUSE BILL NO. 2700** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2700

Amend **HOUSE BILL NO. 2700** as originally introduced:

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

“COMPLY WITH INDEPENDENCE STANDARDS; AND FOR”

AND

Delete the Subtitle and substitute the following:

“AN ACT TO REQUIRE SCHOOL DISTRICT AUDITORS TO COMPLY WITH INDEPENDENCE STANDARDS.”

AND

Page 1, delete lines 27 through 30 and substitute the following:

A licensed certified public accountant or a licensed accountant in public practice shall not provide the following nonaudit services to a school district, educational cooperative, or charter school if the licensed certified public accountant or the licensed accountant or his or her firm is also the auditor of the school district, educational cooperative, or charter school:

(1) Accounting and bookkeeping services;

(2) Financial information systems design and implementation;

(3) Appraisal, valuation, and actuarial services;

(4) Internal audit outsourcing services;

(5) Management or human resources functions;

(6) Broker or dealer, investment adviser, or investment banking services; and

(7) Legal and expert services unrelated to the audit.

/s/ Linda Chesterfield

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Roebuck, **HOUSE BILL NO. 1628** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 2 TO HOUSE BILL NO. 1628**

Amend **HOUSE BILL NO. 1628** as originally introduced:

Add Representatives Bright, Dickinson, Dunn, D. Evans, L. Evans, George, Green, Harris, Jeffrey, J. Johnson, Mack, M. Martin, Maxwell, Medley, Norton, Petrus, Prater, Ragland, Rosenbaum, Walters, Wells, and Wills as cosponsors of the bill.

/s/ Tommy Roebuck

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Cowling, **HOUSE BILL NO. 2103** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2103

Amend **HOUSE BILL NO. 2103** as originally introduced:

Page 2, delete line 36 and substitute:

"1941, § 26-52-101 et seq.

(c) The gross receipts or gross proceeds derived from the sale of electricity, natural gas, and solid wood waste used as fuel in the process of manufacturing wood products, paper, and gypsum building products by manufacturers classified in North American Industry Classification System industry groups 3211, 3212, 3221, 3222, and 3274 as of January 1, 2005, shall continue to be subject to all municipal and county gross receipts taxes.

(d)(1) On the last day of each month beginning in February 2006, the"

AND

Page 3, delete line 1.

AND

Page 3, on line 32 delete "The sale or purchase" and substitute "(a) The sale or purchase"

AND

Page 4, delete line 14 and substitute:

"1949, § 26-53-101 et seq.

(b) The sale or purchase of electricity, natural gas, and solid wood waste used as fuel in the process of manufacturing wood products, paper, and gypsum building products by manufacturers classified in North American Industry Classification System industry groups 3211, 3212, 3221, 3222, and 3274 as of January 1, 2005, shall continue to be subject to all municipal and county use taxes."

/s/ Ken Cowling

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Cowling, **HOUSE BILL NO. 2056** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2056**

Amend **HOUSE BILL NO. 2056** as originally introduced:

Page 1, line 23, delete "state." and substitute "state that are open to the general public and have a regular or general public traffic flow."

/s/ Ken Cowling

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Cowling, **HOUSE BILL NO. 2852** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2852**

Amend **HOUSE BILL NO. 2852** as originally introduced:

Delete the title entirely and substitute:

"AN ACT PERTAINING TO THE LICENSURE REQUIREMENTS FOR INSURANCE AGENTS, BROKERS, ADJUSTERS AND INSURANCE CONSULTANTS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT PERTAINING TO THE LICENSURE REQUIREMENTS FOR INSURANCE AGENTS, BROKERS, ADJUSTERS AND INSURANCE CONSULTANTS."

/s/ Ken Cowling

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Petrus, **HOUSE BILL NO. 2574** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2574**

Amend **HOUSE BILL NO. 2574** as originally introduced:

Page 1, delete lines 22 through 26 and substitute the following:

“SECTION 1. Arkansas Code Title 2, Chapter 15 is amended to add an additional subchapter to read as follows:

2-15-201. Title.

This subchapter shall be known and may be cited as the “Arkansas Rice Certification Act”.

2-15-202. Definitions.

As used in this subchapter:

(1) “Characteristics of commercial impact” means characteristics that may adversely affect the marketability of rice in the event of commingling with any other rice and includes, but is not limited to those characteristics:

(A) That cannot be identified without the aid of specialized equipment or testing;

(B) That create a significant economic impact in their removal from commingled rice; and

(C) Whose removal from commingled rice is not feasible; and

(2) “Person” includes any individual, partnership, limited liability company, limited liability partnership, corporation, firm, company, or any other entity doing business in Arkansas.

2-15-203. Prohibition of rice with characteristics of commercial impact.

No person may introduce, sell, plant, produce, harvest, transport, store, process, or otherwise handle rice identified as having characteristics of commercial impact, except in compliance with the provisions of this subchapter and the rules adopted by the State Plant Board.

2-15-204. Administration – Duties of the State Plant Board.

(a) The State Plant Board shall:

(1) Administer and enforce this subchapter;

(2) Promulgate rules to implement the purposes and requirements of this subchapter, including rules that will establish a penalty matrix for violations of this subchapter and the rules promulgated under this subchapter; and

(3) Receive and investigate complaints regarding alleged violations of this subchapter and rules promulgated by the board.

(b) The board may:

(1) Prohibit or place restrictions on the selling, planting, producing, harvesting, transporting, storing, processing, or other handling of rice identified as having characteristics of commercial impact; and

(2) Charge a reasonable fee to cover the cost of inspections and other activities permitted under this subchapter.

(c) All moneys received by the board under provisions of this subchapter and the rules adopted by the board shall be deposited in the Plant Board Fund to be used for carrying out the provisions of this subchapter.

2-15-205. Scientific Review Committee.

(a) The State Plant Board may appoint a Scientific Review Committee.

(b) The committee shall review and make recommendations to the board concerning all matters contained in this subchapter, including, but not limited to:

(1) Identifying rice that has characteristics of commercial impact;

(2) Reviewing rice identified as having characteristics of commercial impact upon receipt of a petition from the purveyor of the rice;

(3) Recommending rules establishing terms and conditions for planting, producing, harvesting, selling, transporting, processing, storing, or otherwise handling rice identified pursuant to subdivision (b)(1) of this section; and

(4) Reviewing the efficacy of terms, conditions, and identity preservation programs imposed on the planting, producing, harvesting, transporting, drying, storing, or other handling of rice identified pursuant to subdivision (b)(1) of this section using the most current industry standards and generally accepted scientific principles.

2-15-206. Violations — Notice.

(a) Upon receiving a complaint alleging that a person has violated the provisions of this subchapter or rules of the State Plant Board, the board shall provide notice to the person and an opportunity for the person to respond to the complaint.

(b) If the board determines that the complaint warrants further action, the board shall notify the person in writing of the board's decision.

(c) The board may seek injunctive relief, commence a civil action against the person, or seek other remedies provided by law.

2-15-207. Exemptions.

The provisions of this subchapter shall not apply to research conducted by federal, state, or private entities, including institutions of higher education, which conforms to and is in compliance with all state and federal laws and rules for laboratory management practices.

2-15-208. Penalties.

(a)(1) The State Plant Board may impose a civil penalty for violation of § 2-15-203.

(2) The penalty shall not exceed one hundred thousand dollars (\$100,000).

(3) Each day of a continuing violation of § 2-15-203 shall be a separate violation.

(b) The board may bring an action in any court of competent jurisdiction to collect a penalty under this section and may recover all attorney's fees, costs, and

SECTION 2. This act shall expire on July 1, 2009.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that rices identified as having characteristics of commercial impact may pose an economic threat to the well-being of the people of this state; that the growing, harvesting, and selling of rice is an important part of this state's economy; and that it is necessary for this act to become effective on August 1, 2005, to avoid any additional detriment to this state. 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 August 1, 2005."

/s/ Benny Petrus

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Petrus, **HOUSE BILL NO. 2359** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2359**

Amend **HOUSE BILL NO. 2359** as originally introduced:

Page 1, on line 27 delete "(a)(1)(A)" and substitute "(a)(1)(A)(i)"

AND

Page 1, delete line 34 and substitute:

"levying municipality.

(ii) The tax levied under this subdivision (a)(1)(A) shall only apply to establishments located within unincorporated areas of the county."

/s/ Benny Petrus

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

/s/ Ms. Jo Renshaw  
Chief Clerk

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

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2510**

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

Page 1, line 9, delete "THE SCOPE OF AGGRIEVED PARTIES"

AND

Page 1, line 10, delete "AND"

AND

Page 1, line 15, delete "THE SCOPE OF AGGRIEVED"

AND

Page 1 line 16, delete "PARTIES AND"

AND

Page 1, line 26, delete "~~consumer~~" and substitute "consumer"

AND

Page 1, line 27, delete "person"

/s/ David Johnson

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Saunders, **HOUSE BILL NO. 2969** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2969**

Amend **HOUSE BILL NO. 2969** as originally introduced:

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 14-51-301(c), concerning rules and regulations, is amended to read as follows:

(c) The board may prescribe, amend, and enforce rules and regulations that provide for and apply to a category of police officers whose promotion to any rank or grade below that of sergeant is exempted, in whole or in part, from subdivisions (b)(4) and (9) of this section.

~~(c)~~(d) The commission shall adopt such rules not inconsistent with this chapter for necessary enforcement of this chapter, but shall not adopt any rule or rules which would authorize any interference with the day-to-day management or operation of a police or fire department."

/s/ Rick Saunders

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Willis, **HOUSE BILL NO. 2956** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2956

Amend **HOUSE BILL NO. 2956** as engrossed,

H3/9/05 (version: 03/09/2005 09:27)::

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-40-1208, is amended to read as follows:

14-40-1208. Existing officers, etc.

(a) The term of office of all officers, aldermen, and employees of the smaller municipality and all laws in force therein shall cease upon and after the consolidation.

(b) Any mayor who is forced from office because of a merger of two (2) or more municipalities under this subchapter is presumed to meet the minimum service period under § 24-12-123.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the procedure for the merger of municipalities is unclear on certain issues; that one (1) unintended consequence of a merger of two (2) or more municipalities is the forcing from office of at least one (1) or more mayors; and that this act is immediately necessary to clarify the procedure for the merger of municipalities and to prevent unfairness to elected officials who are forced out of office because of a merger of two (2) or more municipalities. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Arnell Willis

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 2656** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2656**

Amend **HOUSE BILL NO. 2656** as originally introduced:

Immediately following Section 1, add the following new section:

"SECTION 2. Arkansas Code § 8-7-908(f), concerning the recovery of costs of corrective action by the Arkansas Department of Environmental Quality related to third-party claims, is amended to read as follows:

(f)(1) In the event moneys are expended from the fund for third-party claims and the owner or operator was not at the time of the occurrence in substantial compliance, as defined by this subchapter and regulations promulgated hereunder, the department may recover from the owner or operator the amount of moneys expended from the fund for the third-party claim by filing an action in the appropriate circuit court or by using the administrative procedures set forth in § 8-7-804.

(2)(A) The department also has a right of subrogation:

(i) To any insurance policies in existence at the time of the occurrence to the extent of any rights the owner or operator of a site may have had under that policy; and

(ii) Against any third party who caused or contributed to the occurrence.

(B) The right of subrogation shall apply to sites where corrective action is taken by:

(i) Owners or operators; or

(ii) The department."

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Roebuck, **HOUSE BILL NO. 2627** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2627

Amend **HOUSE BILL NO. 2627** as originally introduced:

Add Representatives Bradford, Borhauer, Dickinson, Flowers, Goss, Hardwick, Hardy, J. Johnson, Mahony, McDaniel, Prater, Ragland, Reep, Willis, and Wood as cosponsors of the bill

/s/ Tommy Roebuck

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Bright, **HOUSE BILL NO. 1392** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1392

Amend **HOUSE BILL NO. 1392** as engrossed,

H2/21/05 (version: 02-21-2005 09:20)::

Delete the Title and substitute the following:

“AN ACT TO AUTHORIZE USE OF ELECTRONIC MONITORING DEVICES IN LONG-TERM CARE FACILITY RESIDENT ROOMS; AND FOR OTHER PURPOSES.”

AND

Delete the Subtitle and substitute the following:

“RESIDENT CARE MONITORING ACT.”

AND

Delete everything after the Enacting Clause and substitute the following:

“SECTION 1. Arkansas Code Title 20, Chapter 10 is amended to add an additional subchapter to read as follows:

“20-10-2001. Title.

This subchapter shall be known and may be cited as the "Resident Care Monitoring Act."

20-10-2002. Definitions

As used in this subchapter:

(1) "Facility" means a long-term care facility which is required to be licensed under § 20-10-204;

(2)(A) "Monitoring device" means a video or audio device installed in the room of a resident which acquires visual images, activity, or sounds occurring in the room.

(B) "Monitoring device" includes video surveillance cameras, but does not include a still camera or any device used for the nonconsensual interception of wire or electronic communications;

(3) "Office" means the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services;

(4) "Resident" means a person who is a resident of a facility; and

(5) "Roommate" means a resident who occupies the same room as the resident who has a monitoring device.

20-10-2003. Immunity of office or facility

(a) For purposes of this subchapter, the placement and use of a monitoring device in the room of a resident is considered to be covert if:

(1) The placement and use of the device is not open and obvious; and

(2) The facility is not informed about the device by the resident, by a person who placed the device in the room, or by a person who is using the device.

(b) The office and the facility may not be held civilly liable in connection with

20-10-2004. Required form on admission.

The office by rule shall prescribe a monitoring device information form that must be completed and signed on a resident's admission to a facility by or on behalf of the resident. The form must state:

(1) That a person who places a monitoring device in the room of a resident or who uses or discloses a tape or other recording made by the device may be criminally or civilly liable for any unlawful violation of the privacy rights of another;

(2) That a person who covertly places a monitoring device in the room of a resident or who consents or acquiesces in the covert placement of the device in the room of a resident has waived any privacy right the person may have had in connection with images or sounds that may be acquired by the device;

(3) That a guardian or legal representative who uses or operates a monitoring device on behalf of a facility resident is subject to criminal penalties if that person knowingly fails to notify the facility administrator or designated agent within

twenty-four (24) hours of viewing or listening to a tape or recording created by a monitoring device that the guardian or legal representative reasonably believes constitutes evidence of resident maltreatment; and

(4) The basic procedures that must be followed to request a monitoring device.

20-10-2005. Monitoring device — Who may request.

(a) If a resident has capacity to request a monitoring device and has not been judicially declared to lack the required capacity, only the resident may request a monitoring device, notwithstanding the terms of any durable power of attorney or similar instrument.

(b) If a resident has been judicially declared to lack the capacity required for taking an action such as requesting a monitoring device, only the guardian of the person of the resident may request a monitoring device under this subchapter.

(c)(1) If a resident does not have capacity to request a monitoring device but has not been judicially declared to lack the required capacity, only the legal representative of the resident may request a monitoring device under this subchapter.

(2) The resident's physician shall make the determination regarding the resident's incapacity to request a monitoring device, and shall record the determination in the resident's medical record.

(3) When the resident's physician determines the resident lacks capacity to request a monitoring device, a person from the following list, in order of priority, may act as the resident's legal representative for the limited purpose of requesting a monitoring device:

(A) An attorney-in-fact authorized by the terms of a valid durable power of attorney to make health care decisions on behalf of the resident;

(B) In the case of an unmarried patient under the age of eighteen (18), the parents of the patient;

(C) The patient's spouse;

(D) The patient's adult child or, if there is more than one (1), then a majority of the patient's adult children participating in the decision;

(E) The parents of a patient over the age of eighteen (18);

(F) The patient's adult sibling or, if there is more than one (1), then a majority of the patient's adult siblings participating in the decision;

(G) Persons standing in loco parentis to the patient; or

(H) A majority of the patient's adult heirs at law who participate in the decision.

20-10-2006. Monitoring device—Form of request -- consent of other

residents in room.

(a) A resident or the guardian or legal representative of a resident who wishes to install or use a monitoring device in the resident's room must make the request to the facility on a form prescribed by the office.

(b) The form prescribed by the office shall comply with all requirements for the release of protected health information under the Health Insurance Portability and Accountability Act of 1996.

(c) The form prescribed by the office must require the resident or the resident's guardian or legal representative to:

(1) Release the facility from any civil liability for a violation of the resident's privacy rights in connection with the use of the monitoring device; and

(2) Obtain the consent of the resident's roommate(s), using a form prescribed by the office, if the resident resides in a multiperson room.

(d) Consent under Subsection (c)(3) may be given only by:

(1) The resident's roommate or roommates;

(2) The guardian of a person described by subsection (d)(1), if the person has been judicially declared to lack the required capacity; or

(3) The legal representative who under § 20-10-2005(c)(3) may request a monitoring device on behalf of a person described in subsection (d)(1) of this section.

(e) The resident or the guardian or legal representative of a resident may withdraw a request or consent to the use of a monitoring device at any time.

(f) The form prescribed by the office must condition the consent of the resident's roommate on the roommate also releasing the facility from any civil liability for a violation of the roommate's privacy rights in connection with the use of the electronic monitoring device.

(g) The resident's roommate may:

(1) When the monitoring device is a video surveillance camera, condition consent on the camera being pointed away from the consenting resident;

(2) Condition consent on the use of an audio monitoring device being limited or prohibited; and

(3) Withdraw consent to the use of a monitoring device at any time.

(h) If a monitoring device is being used in the room of a resident and another resident is moved into the room who has not yet consented to the use of a monitoring device, use of the monitoring device must cease until the new resident has consented in accordance with this section.

(i) The office may adopt rules prescribing the place or places that a form signed under this section must be maintained and the period of which it must be

maintained.

(j) Use of a monitoring device:

(1) May not commence until all request and consent forms required by this section have been completed and returned to the facility;

(2) Must be conducted in accordance with any limitation placed on the monitoring as a condition of the consent given by or on behalf of any roommate of the resident; and

(3) Must cease upon the withdrawal of consent by the resident or the resident's guardian or legal representative or upon the withdrawal of the consent of the roommate or the roommate's guardian or legal representative.

20-10-2007. Monitoring device — General provisions.

(a) A resident shall have the option of requesting a monitoring device at any time.

(b)(1) A facility shall accommodate the request of a resident or the guardian or legal representative of a resident to use a monitoring device upon satisfaction of the requirements of § 20-10-2006, and if the installation or operation of the monitoring device does not place an undue burden on the facility.

(2) The office shall promulgate rules defining what constitutes an "undue burden" for purposes of this section.

(c) A resident or the guardian or legal representative of a resident who uses a monitoring device shall post and maintain a conspicuous notice at the entrance of the resident's room. The notice must state that a monitoring device is in use in that room, and must specify whether the device monitors visual activity, auditory activity, or both.

(d) The resident or the resident's guardian or legal representative must pay for all costs associated with the installation, maintenance, and operation of the monitoring device.

(e) The facility may require that installation and use of a monitoring device be conducted in a manner that is safe for residents, employees, or visitors who may be moving about the room.

(f) The monitoring device shall be installed and operated in plain view.

(g)(1)(A) The resident or the guardian or legal representative of a resident who requests a monitoring device must, when any sound, image, or other information acquired by a monitoring device is transmitted over an electronic communications network, implement reasonable technical security measures to guard against unauthorized access.

(B) The office shall establish guidelines for technical security measures to guard against unauthorized access.

(2) A facility may not be held civilly liable in connection with any unauthorized access to a communications network containing sounds, images, or other information acquired by a monitoring device, or any subsequent unauthorized use or disclosure resulting from the unauthorized access.

(h) A facility may, but is not required to, place a resident in a different room to accommodate a request to install or use a monitoring device.

20-10-2008. Use of a tape or recording in a judicial or administrative proceeding or by the office.

(a) No court or administrative agency, nor the office, may admit into evidence a tape or recording created through the use of a monitoring device, including covert monitoring devices, or take or authorize action based on the tape or recording unless:

(1) If the tape or recording is a video tape or recording, the tape or recording shows the time and date that the events acquired on the tape or recording occurred;

(2) The contents of the tape or recording are continuous, and have not been edited or artificially enhanced; and

(3) If the contents of the tape or recording have been transferred from the original format to another technological format, the transfer was done by a qualified professional and the contents of the tape or recording were not altered.

(b)(1) A facility shall not be required to disclose a tape or recording to the office unless the office requests to view or copy a tape or recording in connection with an investigation into allegations of resident maltreatment.

(2) Any request by the office to view or copy a tape or recording in connection with an investigation into allegations of resident maltreatment shall be limited to the resident who is the subject of the allegations and to the time period during which the maltreatment is believed to have occurred.

20-10-2009. Use of tape or recording created by a monitoring device in civil action against a facility.

No tape or recording created by a monitoring device may be admitted or used in a civil action against a facility, owner, or management company unless the facility, owner, or management company seeks to admit or use the tape or recording.

20-10-2010. Request by facility or facility employee for copies of tapes or recordings.

(a) Upon written request by a facility, a person in possession of tapes or recordings created by a monitoring device installed in that facility shall provide a copy at the facility's expense.

(b) Upon written request by a facility employee accused of maltreating a

resident, the person in possession of tapes or other recordings of the resident created by a monitoring device installed in that facility shall provide a copy to the facility employee at that employee's expense.

(c) A person who provides a copy of a tape or recording to a facility or employee in accordance with subsection (a) or (b) shall also provide written certification that the copy meets the requirements of § 20-10-2008(a).

(d) A person in possession of tapes or other recordings of the resident created by a monitoring device installed in a facility shall, prior to erasing, obliterating, or otherwise disposing of a tape or recording, notify the facility in writing and permit the facility to purchase a copy of the tape or recording.

20-10-2011. Reporting of suspected maltreatment.

(a) For purposes of the duty to report resident maltreatment under § 5-28-203, no facility employee shall be deemed to have reasonable cause to suspect resident maltreatment by virtue of possession of a tape or recording created by a monitoring device unless:

(1) The employee has independent knowledge of the alleged maltreatment; or

(2) The employee actually views the tape or recording and reasonably believes that maltreatment has occurred; or

(b)(1) A guardian or legal representative who uses or operates a monitoring device on behalf of a facility resident shall, within twenty-four (24) hours of viewing or listening to a tape or recording created by a monitoring device that the guardian or legal representative reasonably believes constitutes evidence of resident maltreatment, notify the facility administrator or that person's designated agent.

(2) For purposes of the duty to report suspected adult maltreatment in accordance with this section, a guardian or legal representative who uses or operates a monitoring device on behalf of a facility resident is considered to have viewed or listened to a tape or recording created by the monitoring device on or before the 30<sup>th</sup> day after the date the tape or recording is created.

(3) A guardian or legal representative who knowingly fails to notify the facility administrator or designated agent in the time and manner provided in this subsection is guilty of a violation, and shall be punished as provided by law.

20-10-2012. Criminal acts.

(a) A person who intentionally hampers, obstructs, tampers with, or destroys a monitoring device installed in a resident's room in accordance with this subchapter or a tape or recording made by the device is guilty of a Class A misdemeanor;

(b) A person who uses or discloses a tape or recording created by a monitoring device without the consent of the resident depicted in the tape or

recording or that resident's guardian or legal representative is guilty of a Class A misdemeanor, unless the tape is used or disclosed under the following circumstances:

(1) For health care operations, as defined in the Health Insurance Portability and Accountability Act of 1996;

(2) For public health activities, as described in the Health Insurance Portability and Accountability Act of 1996;

(3) For health oversight purposes, as described in the Health Insurance Portability and Accountability Act of 1996; or

(4) To report suspected abuse, neglect, or maltreatment to law enforcement officials, the office, Adult Protective Services, or other government authority authorized by law to receive reports of abuse or neglect."

/s/ Stephen Bright

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Verkamp, **HOUSE BILL NO. 2593** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2593**

Amend **HOUSE BILL NO. 2593** as originally introduced:

Add Representatives Abernathy, Berry, Blair, Bradford, Bright, Clemons, Davis, Dobbins, Dunn, Everett, Glidewell, Hardy, J. Hutchinson, J. Johnson, Key, Kidd, Mack, Matayo, McDaniel, Medley, Pyle, Ragland, Roebuck, Rogers, Scroggin, Walters, and Willis as cosponsors

AND

Add Senators Wilkinson, Altes, Baker, Bisbee, Bookout, Broadway, Brown, Bryles, Capps, Critcher, Faris, Glover, Hendren, Higginbothom, Hill, Holt, Horn, G. Jeffress, J. Jeffress, Johnson, Lavery, Luker, Madison, Malone, Miller, Salmon, Smith, Steele, Taylor, Trusty, Whitaker, Womack, and Wooldridge as cosponsors

AND

Page 1, delete lines 20 through 24 and substitute the following:

“SECTION 1. Arkansas Code Title 20, Chapter 10, is amended to add an additional subchapter to read as follows:

20-10-2001. Title.

This act is known and may be cited as the “Long-Term Care Resident Protection Act of 2005”.

20-10-2002. Purpose.

The purpose of this subchapter is to provide for the protection of the health, safety, and well-being of residents, including residents who are Medicaid recipients, in long-term care facilities and to promote, assure, and maintain the continuity of the health, safety, and well-being of the citizens of the State of Arkansas by:

(1) Requiring disclosure of pertinent information relating to changes in control of a long-term care facility;

(2) Providing standards governing review of any proposed change in control of a long-term care facility by the Director of the Department of Human Services or the director’s designee; and

(3) Requiring the written approval of the director or the director’s designee prior to a change of control of certain long-term care facility owners.

20-10-2003. Definitions.

As used in this subchapter:

(1) “Acquiring party” means a person by whom or on whose behalf a merger or other acquisition of control of a long-term care facility owner is to be effected;

(2) "Affiliate" or "person affiliated with" means any person, who, directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with a specified person;

(3) "Beneficial owner" or "beneficial ownership" means any person, who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, has or shares:

(A) Voting power that includes the power to vote, or to direct the voting of, a voting security; or

(B) Investment power that includes the power to dispose, or to direct the disposition of, a voting security;

(4)(A) "Control", "controlling", "controlled by", or "under common control with" means the direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by control, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

(B)(i) "Control" shall be presumed to exist if any person together with all affiliates, directly or indirectly, beneficially owns, controls, holds with the power to vote, or holds proxies representing ten percent (10%) or more of the voting securities of any other person.

(ii) After furnishing all persons in interest with notice and opportunity to be heard, the Director of the Department of Human Services or the director's designee may determine that control exists in fact, notwithstanding the absence of a presumption to that effect;

(5) "Long-term care facility" means a nursing home, residential care facility, or any other facility located within the State of Arkansas that provides long-term medical or personal care;

(6) "Long-term care facility owner" means a person who directly or indirectly owns or controls more than one (1) long-term care facility and that:

(A) Is a company whose shares are traded in the national securities markets; and

(B) As of December 31, 2004, was licensed to operate a minimum of two thousand (2,000) beds within the State of Arkansas;

(7) "Person" means an individual, corporation, limited liability corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or any similar entity or any combination of the foregoing acting in concert;

(8) "Resident" means an individual person residing in a long-term care facility in the State of Arkansas; and

(9) "Voting security" means any security convertible into or evidencing a right to acquire a voting security.

20-10-2004. Applicability.

(a) This subchapter applies only to the change of control of a long-term care facility owner that as of December 31, 2004:

(1) Had assets in excess of one billion dollars (\$1,000,000,000);

(2) Maintained at least seventy percent (70%) of its total resident census in the United States and greater than seventy percent (70%) of its Arkansas resident census as Medicaid-covered residents; and

(3) Employed in excess of two thousand (2,000) full-time employees in the State of Arkansas.

(b) If, as of the effective date of this subchapter, any person has initiated any activity that would have required a filing under this subchapter if the subchapter was in effect when the activity began, the person is prohibited from proceeding further without complying with all the provisions of this subchapter as though the subchapter was in effect at the time the activity began.

20-10-2005. Control of long-term care facility owner – Filing requirements.

(a) No person shall enter into or attempt to consummate an agreement to merge with or otherwise to acquire control of a long-term care facility owner unless, at the time any offer, request, or invitation is made or any agreement is entered into, and prior to the acquisition of any voting securities involved, the person has:

(1) Filed with the Director of the Department of Human Services or the director's designee and has sent to the long-term care facility owner a statement containing the information required by § 20-10-2006; and

(2) The offer, request, invitation, agreement, or acquisition has been approved by the director or the director's designee in the manner prescribed in § 20-10-2007.

(b) The provisions of this subchapter shall not apply if, prior to the change of control described under subsection (a) of this section, the board of directors of the long-term care facility owner files with the director a written statement signed by all members of the board of directors representing that the criteria prescribed in § 20-10-2007(c)(1) – (7) have been considered in connection with the proposed change of control.

20-10-2006. Control of long-term care facility owner – Content of statement.

(a) The statement to be filed with the Director of the Department of Human Services or the director's designee under this section shall be made under oath or affirmation and shall contain the following information for each acquiring party:

(1)(A) The name and address of the acquiring party.

(B) If the acquiring party is an individual, the statement shall contain information regarding his or her principal occupation and all offices and positions held during the past five (5) years and any conviction of crimes other than minor traffic violations during the past ten (10) years.

(C) If the acquiring party is not an individual, the statement shall contain:

(i) A report of the nature of the acquiring party's business operations during the past five (5) years or for such lesser period as the acquiring party and any predecessors of the acquiring party have been in existence;

(ii) An informative description of the business intended to be conducted by the acquiring party and the acquiring party's subsidiaries; and

(iii)(a) A list of all individuals who are or who have been selected to become directors or executive officers of the acquiring party, or who perform or will perform functions appropriate to the positions.

(b) The list prepared under subdivision (a)(1)(C)(iii)(a) of this section shall include for each individual the information required by subdivision (a)(1)(B) of this section;

(2)(A) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for the merger or other acquisition of control, and the identity of persons furnishing the consideration.

(B) When a source of the consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing the statement so requests;

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five (5) fiscal years of each acquiring party, or for such lesser period as the acquiring party and any predecessors of the acquiring party have been in existence, and similar unaudited information as of a date not earlier than ninety (90) days prior to the filing of the statement;

(4)(A) A statement describing any plans or proposals that each acquiring party may have to liquidate the long-term care facility owner, to sell its assets or merge or consolidate the long-term care facility owner with any person, or to make any other material change in the long-term care facility owner's business or corporate structure or management.

(B) The statement shall include information necessary to determine whether:

(i) Following the change of control, the long-term care

facility will continue to be able to meet the long-term care needs of the locale or area;

(ii) The long-term care facility can be adequately staffed and operated when the change of control is completed;

(iii) The proposed operation of the long-term care facility following the change of control is economically feasible;

(iv) Following the change of control, the acquiring party can be expected to provide a substantially consistent high level of care at the long-term care facility based on:

(a) The acquiring party's past history;

(b) Whether the acquiring party intends to effectuate any change in the board of directors of the long-term care facility owner;

(c) Whether the acquiring party intends to terminate, lay off, or otherwise discharge, during the twenty-four-month period immediately following the acquisition, in excess of fifteen percent (15%) of the employees of the long-term care facility owner as of the date of the acquisition;

(d) Whether the acquiring party has terminated general liability insurance or professional liability insurance, or both, covering any long-term care facility that the acquiring party has previously acquired and, if more than one (1) long-term care facility was previously acquired, which long-term care facilities had general liability insurance or professional liability insurance coverage in effect at the time of the acquisition; and

(e) The assessment of the director or the director's designee regarding the acquiring party's character and competence to operate the long-term care facility, which shall include a review of the acquiring party's experience, past performance in operating a long-term care facility, if any, and compliance with applicable laws and practices pertinent to the acquiring party's professional experience; and

(v) Following change of control, the acquiring party shall obtain and maintain general liability insurance coverage and professional liability insurance coverage in an amount not less than that maintained by the current long-term care facility owner at the time the statement required by § 20-10-2005 is filed;

(5)(A) A full description of any contracts, arrangements, or understandings with respect to any matter referred to in § 20-10-2005 in which any acquiring party is involved, including, without limitation, transfer of any of the voting securities, joint ventures, loans or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies.

(B) The description shall identify the persons with whom the contracts, arrangements, or understandings described under subdivision (a)(5)(A) of this section have been entered;

(6) A description of the purchase of any voting security referred to in § 20-10-2005 during the twelve (12) calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid for the purchase;

(7) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any voting securities referred to in § 20-10-2005 and, if distributed, any additional soliciting material relating to any tender offers for, requests or invitations for tenders of, exchange offers for, or agreements to acquire or exchange any voting securities referred to in § 20-10-2005;

(8) The terms of any agreement, contract, or understanding made with any broker-dealer or other person as to solicitation of voting securities referred to in § 20-10-2005, and the amount of any fees, commissions, or other compensation to be paid to broker-dealers or other persons with regard to any agreement, contract, or understanding made with any broker-dealer or other person as to solicitation of voting securities referred to in § 20-10-2005; and

(9) Any additional information that the director or the director's designee may request as necessary or appropriate for the protection of residents of the long-term care facility or the best interests of the public, or both.

(b) If any material change occurs in the facts set forth in the statement filed with the director and sent to the long-term care facility owner under § 20-10-2005, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, shall be filed with the director and sent to the long-term care facility owner within two (2) business days after the person learns of the change.

20-10-2007. Control of long-term care facility owner – Approval by director.

(a) Prior to holding the public hearing described in subsection (b) of this section, the Director of the Department of Human Services or the director's designee may appoint a special master whose fees and other costs shall be paid by the acquiring party and who shall perform the following tasks on behalf of the director or the director's designee:

(1) Review quality of care provided to residents by the long-term care facility owner as established by records of surveys conducted by Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and any related enforcement actions over the past five (5) years;

(2) Review the quality of care provided by the acquiring party as evidenced by records of surveys by state survey agencies in any jurisdiction and any related enforcement actions over the past five (5) years; and

(3)(A) Prepare a written report based on the reviews performed under subdivisions (a)(1) and (2) of this section regarding whether the proposed merger or acquisition of control provides adequate protection for the health, safety, and well-being of residents, including residents who are Medicaid recipients, who may be affected by a proposed merger or acquisition of control, and will promote, assure, and maintain the continuity of the health, safety, and well being of the citizens of the State of Arkansas.

(B) The written report shall include specific findings of fact and conclusions.

(b)(1)(A) The director or the director's designee shall hold a public hearing on any merger or other acquisition of control described in § 20-10-2005 unless the public hearing is waived by the director or the director's designee. The public hearing may be waived only at the sole discretion of the director or the director's designee.

(B) The director or the director's designee shall give at least twenty (20) days' notice of the hearing to the person filing the statement, the long-term care facility owner, any person to whom notice of hearing was sent, and any other person whose interests may be affected by the proposed merger or acquisition of control.

(C) The acquiring party shall pay the costs of the public hearing.

(2)(A) In connection with the public hearing, the person filing the statement, the long-term care facility owner, any person to whom notice of hearing was sent, and any other person whose interests may be affected by the proposed merger or acquisition of control shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the courts of this state.

(B) All discovery proceedings shall be concluded not later than three (3) days prior to the date scheduled for the commencement of the public hearing.

(3) At the public hearing, the person filing the statement, the long-term care facility owner, any person to whom notice of hearing was sent, and any other person whose interests may be affected by the proposed merger or acquisition of control shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments.

(4) The acquiring party or the long-term care facility owner may appeal

any final decision of the director under this subchapter in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(5) The consummation of an agreement to merge or otherwise acquire control of a long-term care facility owner shall be stayed until all appeal rights under this section have been exhausted.

(c) After the conclusion of the public hearing and in order to approve any merger or other acquisition of control described in § 20-10-2005, the director must find that:

(1) After change of control, the long-term care facility owned by the acquiring party would be able to continue to satisfy the requirements for the issuance of the license it presently holds in this state;

(2) The financial condition of any acquiring party is not such as might jeopardize the financial stability of the long-term care facility owner or prejudice the interest of residents of the long-term care facility;

(3) The terms of the offer, request, invitation, agreement, or acquisition described in § 20-10-2005 are fair and reasonable to the residents of the long-term care facility;

(4) The plans or proposals which the acquiring party has to liquidate the long-term care facility owner, sell its assets, or consolidate or merge it with any person or to make any other material change in its business or corporate structure or management are fair and reasonable to residents and protect the public health, safety, and wellbeing of the citizens of the State of Arkansas;

(5) The competence, experience, and integrity of those persons who would control the operation of the long-term care facility owner and its long-term care facilities are such that it would be in the best interest of residents and of the public to permit the merger or other acquisition of control;

(6) Following change of control, the acquiring party shall obtain and maintain for as long as the acquiring party is in control general liability insurance coverage and professional liability insurance coverage in an amount not less than that maintained by the current long-term care facility owner at the time the statement required by § 20-10-2005 is filed;

(7) The proposed merger or acquisition of control provides adequate protection for the health, safety, and well-being of residents, including residents who are Medicaid recipients, who may be affected by the proposed merger or acquisition of control and will promote, assure and maintain the continuity of the health, safety, and well-being of the citizens of the State of Arkansas.

(d) The director or the director's designee shall not approve any merger or other acquisition of control described in § 20-10-2005 unless he or she makes the

findings described in subsection (c) of this section.

20-10-2008. Control of long-term care facility owner – Jurisdiction of courts – Service of process.

(a) The courts of this state are vested with jurisdiction over every person not a resident, domiciled, or authorized to do business in this state who files a statement with the Director of the Department of Human Services or the director's designee under § 20-10-2005 and § 20-20-2006 and over all actions involving that person arising out of violations of § 20-10-2005 -- § 20-20-2007.

(b)(1) Each person shall be deemed to have performed acts equivalent to and constituting an appointment by the person of the Secretary of State to be his or her true and lawful attorney upon whom may be served all lawful process in any action, suit, or proceeding arising out of violations of § 20-10-2005 -- § 20-20-2007.

(2) Copies of all lawful process shall be served on the Secretary of State and transmitted by registered or certified mail by the Secretary of State to the person at the person's last known address.

20-10-2009. Control of long-term care facility owner – Violations.

(a) The following shall be violations of § 20-10-2005 and § 20-20-2006:

(1) The failure to file any statement, amendment, or other materials required to be filed under § 20-10-2005 and § 20-20-2006; or

(2) The effectuation or any attempt to effectuate an acquisition of control of, or merger with, a long-term care facility owner unless the director has given his or her approval under § 20-10-2007.

(b) Nothing in this subchapter is intended to, and shall not, create any private cause of action.

20-10-2010. Enforcement.

(a) If a long-term care facility owner or the Director of the Department of Human Services or the director's designee has reason to believe that any voting security of the long-term care facility owner has been or is about to be acquired in contravention of this subchapter or that any order has been or is about to be issued by the director or the director's designee in contravention of this subchapter, the long-term care facility owner or the director, as applicable, may apply to the Pulaski County Circuit Court to enjoin any offer, request, invitation, agreement, or acquisition made in contravention of this subchapter, or any related order issued by the director or the director's designee, to enjoin the voting of any voting security so acquired, to void any vote of a voting security already cast at any meeting of shareholders, and for such other equitable relief as the nature of the case and the interests of residents or the public health, safety, and welfare may require.

(b) No lawsuit may be brought or maintained against the Department of

Human Services or any employee of the department in connection with or related to the transfer of any long-term care facility.

20-10-2011. Reports.

At the time of any filing made under § 20-10-2005, and every thirty (30) days after each filing made under § 20-10-2005, the Director of the Department of Human Services shall provide to the Governor and to the Attorney General a written report summarizing the status of the pending application.

SECTION 2. Emergency Clause.

It is found and determined by the General Assembly of the State of Arkansas that the change in ownership of long-term care facilities which represent a significant number of long-term care Medicaid facility beds in Arkansas should be subject to prior review and approval by the Director of the Department of Human Services as it could directly affect the health, safety, and welfare of long-term care facility residents and the public and that no law of this state presently provides for such review and approval. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ John Paul Verkamp

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Medley, **HOUSE BILL NO. 2532** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2532

Amend **HOUSE BILL NO. 2532** as engrossed,

H3/9/05 (version: 03-09-2005 10:10)::

Page 2, delete lines 10 through 12 and substitute the following:

"(1) "Agent" means a person who manages, uses, controls, or otherwise has legal access to a resident's income or resources that legally may be used to pay a resident's share of cost or other charges not paid for by the state Medicaid program;"

AND

Page 2, delete line 19 and substitute the following:

"Medicaid program; and"

AND

Page 2, delete line 25 and substitute the following:

"by the state Medicaid program."

AND

Page 2, delete lines 26 through 36

AND

Page 3, delete lines 1 through 35 and substitute the following:

"(b)(1) No long-term care facility may require a third-party guarantee of payment to the facility as a condition of admission, expedited admission, or continued stay in the facility.

(2) However, a long-term care facility may require an agent who has legal access to a resident's income or resources available to pay for facility care to sign a contract without incurring personal financial liability to provide facility payment from the resident's income or resources.

(c) An agent who guarantees payment under subdivision (b)(2) of this section shall be personally liable to the facility for payment of a resident's share of cost or other charges incurred by the resident if and to the extent that the agent uses a resident's income or resources for purposes other than the resident's facility care.

(d) Unless otherwise exempted by law or contract, a resident or his or her agent shall pay for the resident's share of cost or other charges not paid for by the state Medicaid program.

(e) If a resident who has not been a Medicaid recipient becomes a"

AND

Page 4, delete lines 3 through 5

/s/ Jim Medley

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Goss, **HOUSE BILL NO. 1735** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 1735**

Amend **HOUSE BILL NO. 1735** as originally introduced:

Page 1, line 30, delete "shall" and substitute "may"

AND

Page 1, line 36, delete "required"

AND

Page 2, line 18, delete "(c) The" and substitute "(c) Upon request, the"

AND

Page 2, line 28, delete "The Arkansas" and substitute "Upon request, the Arkansas"

/s/ Kevin Goss

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Blount, **HOUSE BILL NO. 2472** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2472

Amend **HOUSE BILL NO. 2472** as originally introduced:

Page 1, line 10, delete "TEACHERS" and substitute "CERTIFIED SCHOOL PERSONNEL"

AND

Page 1, line 12, delete "TEACHERS' SERVICE" and substitute "SERVICE OF CERTIFIED SCHOOL PERSONNEL"

AND

Page 1, line 16, delete "TEACHERS" and substitute "CERTIFIED SCHOOL PERSONNEL"

AND

Page 1, line 19 delete " TEACHERS' SERVICE" and substitute "SERVICE OF CERTIFIED SCHOOL PERSONNEL"

AND

Page 1, lines 27, delete "teachers" and substitute "certified school personnel"

AND

Page 1, delete line 29 and substitute the following:

"(a) Certified school personnel who are elected to the General Assembly have the right"

AND

Page 1, line 33, delete "teacher" and substitute "certified school person"

AND

Page 1, line 34, delete "the school" and substitute "the local school"

AND

Page 1, delete line 35 and substitute the following:

"substitute; and"

AND

Page 2, line 1, delete "instructional" and substitute "school"

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Pickett, **HOUSE BILL NO. 2524** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2524**

Amend **HOUSE BILL NO. 2524** as originally introduced:

Delete Section 1 entirely:

AND

If appropriate, renumber the remaining sections of the bill

/s/ Betty Pickett

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Adcock, **HOUSE BILL NO. 2713** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2713

Amend **HOUSE BILL NO. 2713** as originally introduced:

Add Representative Pritchard as a cosponsor

AND

Add Senator Steele as a cosponsor

AND

Page 1, line 28 delete "three thousand five hundred dollars" and substitute "five thousand dollars"

AND

Page 1, line 29 delete "(\$3,500)," and substitute "(\$5,000),"

AND

Page 1, line 36 delete "three thousand five hundred dollars (\$3,500)," and substitute "five thousand dollars (\$5,000),"

/s/ Pam Adcock

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Elliott, **HOUSE BILL NO. 2916** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2916**

Amend **HOUSE BILL NO. 2916** as originally introduced:

Page 1, delete line 5 entirely, and substitute the following:

"By: Representative Pickett"

/s/ Joyce Elliott

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative L. Smith, **HOUSE BILL NO. 2692** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2692**

Amend **HOUSE BILL NO. 2692** as originally introduced:

Page 1, delete line 5 entirely, and substitute the following:

"By: Representative Cook"

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative L. Smith, **HOUSE BILL NO. 1569** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1569

Amend **HOUSE BILL NO. 1569** as originally introduced:

Add Senator Madison as a cosponsor of the bill

AND

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

"63 TO ADD AN ADDITIONAL SUBCHAPTER 5 TO PROTECT THE RIGHTS OF THE"

AND

Page 1, delete lines 17 through 20, and substitute the following:

"AN ACT TO PROTECT THE RIGHTS OF THE CITIZENS OF THE STATE OF ARKANSAS TO PARTICIPATE IN GOVERNMENT."

AND

Page 1, delete lines 30 through 36, and substitute the following:

"Participation in Government Act".

16-63-502. Legislative findings.

The General Assembly finds and declares that:

(1) It is in the public interest to encourage participation by the citizens of the state of Arkansas in matters of public significance through the exercise of their constitutional rights of freedom of speech and the right to petition government for a redress of grievances;

(2) The valid exercise of the constitutional rights of freedom of speech and the right to petition government for a redress of grievances should not be chilled through abuse of the judicial process;

(3) The threat of a civil action for damages in the form of a strategic lawsuit against political participation and the possibility of considerable legal costs can act as a deterrent to citizens who wish to report information to federal, state, or local agencies; and

(4) Strategic lawsuits against political participation can effectively punish concerned citizens for exercising the constitutional right to speak and petition the government for redress of grievances.

16-63-503. Definitions.

As used in this subchapter:

(1) "An act in furtherance of the right of free speech or the right to

petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Arkansas in connection with an issue of public interest or concern" includes, but is not limited to, any written or oral statement, writing, or petition made:

(A) Before or to a legislative, executive, or judicial proceeding, or other proceeding authorized by state, regional, county, or municipal governments;  
or

(B) In connection with an issue under consideration or review by a legislative, executive, or judicial body, or other body authorized by state, regional, county, or municipal government; and

(2)(A) "Privileged communication" means a communication made:

(i) In, to, or about an issue of public concern related to any legislative, executive, or judicial proceeding, or other proceeding authorized by state, regional, county, or municipal governments;

(ii) In the proper discharge of an official duty;

(iii) By a fair and true report of any legislative, executive, or judicial proceeding, or other proceeding authorized by state, regional, county, or municipal governments or anything said in the course of the proceeding;

(iv) All expressions of opinion or criticisms in regard to any legislative, executive, or judicial proceeding, or other proceeding authorized by state, regional, county, or municipal governments;

(v) All criticisms of the official acts of any and all public officers.

(B) "Privileged communication" does not include a statement or report concerning an official act of a public officer that knowingly and falsely imputes a crime to the public officer.

#### 16-63-504. Immunity from suit.

Any person making a privileged communication or performing an act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Arkansas in connection with an issue of public interest or concern shall be immune from civil liability.

#### 16-63-505. Verification requirement.

For any claim asserted against a person or entity arising from possible privileged communication or an act by that person or entity that could reasonably be construed as an act in furtherance of the right of free speech or the right to petition

government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Arkansas in connection with an issue of public interest or concern, the party asserting the claim and the party's attorney of record, if any, shall be required to file, contemporaneously with the pleading containing the claim, a written verification under oath certifying that:

(1) The party and his or her attorney of record, if any, have read the claim;

(2) To the best of the party's or his or her attorney's knowledge, information, and belief formed after reasonable inquiry the claim is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(3) The act forming the basis for the claim is not a privileged communication; and

(4) The claim is not asserted for any improper purpose such as to suppress a person's or entity's right of free speech or right to petition government, to harass, or to cause unnecessary delay or needless increase in the cost of litigation.

16-63-506. Failure to properly verify.

(a) If a claim governed by § 16-63-505 is not verified as required by § 16-63-505, the claim shall be stricken unless it is verified within ten (10) days after the omission is called to the attention of the party asserting the claim or his or her attorney of record.

(b)(1) If a claim is verified in violation of § 16-63-505, the court upon motion or upon its own initiative shall impose upon the persons who signed the verification, a represented party, or both an appropriate sanction, which may include dismissal of the claim and an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the claim, including a reasonable attorney's fee.

(2) Other compensatory damages may only be recovered upon the demonstration that the claim was commenced or continued for the purpose of harassing, intimidating, punishing, or maliciously inhibiting a person or entity from making a privileged communication or performing an act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Arkansas in connection with an issue of public interest or concern.

16-63-507. Procedure.

(a)(1) All discovery and any pending hearings or motions in an action for a claim governed by § 16-63-505 shall be stayed upon the filing of a motion to dismiss

or a motion to strike under § 16-63-506.

(2) A hearing on a motion filed under § 16-63-506 shall be conducted not more than thirty (30) days after service unless emergency matters before the court require a later hearing.

(b) The court, upon motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding the provisions of subsection (a) of this section.

16-63-508. Nothing in this subchapter shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, or rule.”

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 10

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Dobbins, **HOUSE BILL NO. 2953** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2953**

Amend **HOUSE BILL NO. 2953** as originally introduced:

Page 1, delete line 9 and substitute the following:

"AN ACT TO IMPROVE ECONOMIC AND EDUCATIONAL OPPORTUNITIES BY FURTHERING THE GOAL OF PROVIDING ALL ARKANSANS WITH THE ABILITY TO CONNECT TO THE WORLD WIDE WEB VIA BROADBAND; TO ESTABLISH THE BROADBAND INCENTIVE ACT OF 2005; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 12 and substitute the following:

"TO ESTABLISH THE BROADBAND INCENTIVE ACT OF 2005."

AND

Page 1, delete lines 17 through 21 and substitute the following:

"SECTION 1. Arkansas Code Title 15, Subtitle 1, Chapter 4 is amended to add an additional subchapter to read as follows:

15-4-3101. Title.

This act shall be known as the "Broadband Incentive Act of 2005".

15-4-3102. Definitions.

As used in this subchapter:

(1) "Broadband provider" means any person or legal entity that provides broadband services within the State of Arkansas;

(2)(A) "Broadband technology" means any equipment or software:

(i) Capable of being used for the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four kilobits per second (384Kbps) in at least one direction; and

(ii) Capable of being used with:

(a) Wireline telecommunications services;

(b) Wireless telecommunications services;

(c) Satellite-based telecommunications services;

(d) Cable television services;

(e) Power-line based high speed telecommunications services; or

(f) Any combination of the services listed in subdivisions (2)(A)(ii)(a)-(e) of this section.

(B) "Broadband technology" includes, but is not limited to:

(i) Asynchronous transfer mode switches;

(ii) Routers;

(iii) Servers;

(iv) Multiplexers;

(v) Fiber optics; and

(vi) Equipment related to the items listed in subdivisions

(2)(B)(i)-(vi) of this section;

(3) "Cost of deployed broadband technology" means:

(A) The cost of the broadband technology deployed to provide broadband services in this state; and

(B) The cost of equipment placement, including labor costs and other one-time costs typically capitalized pursuant to Generally Accepted Accounting Principles as prescribed by the Financial Accounting Standards Board; and

(4) "State income tax credit" means a credit against the tax liability imposed by the Income Tax Act of 1929, § 26-51-101 et seq.

15-4-3103. Income tax credit.

(a)(1) A broadband provider who offers broadband service to the residents of any Arkansas county having a population of twenty thousand (20,000) persons or less according to the 2000 Federal Decennial Census shall be entitled to a state income tax credit in the amount of fifteen percent (15%) of the cost of deployed broadband technology used to provide the broadband service within the county.

(2) A broadband provider who offers broadband service to the residents of any Arkansas county having a population of more than twenty thousand (20,000) persons according to the 2000 Federal Decennial Census shall receive a state income tax credit in the amount of ten percent (10%) of the cost of deployed broadband technology used to provide the broadband service within the county.

(b) The income tax credit provided under this section shall be applicable to the owner of the broadband technology deployed regardless of whether the technology is leased by a third party for the purpose of providing broadband based services to the consumer.

(c) The costs of deployed technology eligible for the tax credit provided by this subchapter shall remain deductible for state income tax purposes.

15-4-3104. Eligibility for tax credit.

(a) Broadband technology deployed on or after September 1, 2005, shall be eligible for the tax credit under this subchapter.

(b) Broadband technology deployed after September 1, 2011, shall not be eligible for the tax credit.

(c) The tax credit for the cost of deployed broadband technology allowed

under this subchapter will expire six (6) tax years following the tax year in which the credit was earned.

(d) If the tax credit for any tax year exceeds fifty percent (50%) of the income tax liability for that tax year, the unused portions may be carried forward for six (6) years following the tax year in which the credit was earned.

15-4-3105. Reporting.

(a) Each broadband provider claiming the tax credit for any tax year shall submit a detailed accounting of the applicable tax year's broadband deployment to the Director of the Department of Finance and Administration.

(b) The report shall be submitted within thirty (30) calendar days after the broadband provider files its income tax return and shall contain sufficient information to accurately determine that the credits claimed are consistent with this subchapter.

(c)(1) If the director discovers any discrepancies or excess credits, the director shall notify the broadband provider within thirty (30) calendar days after receipt of the report.

(2) The Arkansas Tax Procedure Act, § 26-18-101 et seq. shall be applicable to the tax credit provided under this subchapter. The notice requirement in subdivision (c)(1) of this section is in addition to the provisions of the Arkansas Tax Procedure Act § 26-18-101 et seq.

SECTION 2. Arkansas Code Title 26, Chapter 52, Subchapter 4, is amended to add an additional section to read as follows:

26-52-438. Broadband technology — Exemption.

(a) The gross receipts or gross proceeds from sales of broadband technology between September 1, 2005, and September 1, 2011, to broadband providers shall be exempt from the gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(b) As used in this section "broadband technology" has the same meaning as defined under § 15-4-3102(2).

SECTION 3. Section 2 of this act becomes effective on the first day of the calendar month following the effective date of this act."

/s/ Dwayne Dobbins

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Ledbetter, **HOUSE BILL NO. 2684** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO HOUSE BILL NO. 2684**

Amend **HOUSE BILL NO. 2684** as originally introduced:

Page 2, delete line 3 and substitute the following:

"ten dollars (\$10.00) or more than one hundred dollars (\$100).

(e) This section does not apply to clients or patients of the:

(1) Arkansas Health Center;

(2) Arkansas State Hospital; or

(3) Six (6) state-operated Human Development Centers.

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Senator Critcher, **HOUSE BILL NO. 1322** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1322

Amend **HOUSE BILL NO. 1322** as engrossed,  
H3/09/2005 (version: 03-09-2005 08:47)::

Insert additional sections immediately following Section 80 to read as follows:

"SECTION 81. APPROPRIATION (Sen. Critcher) - TOWN OF WELDON - JACKSON COUNTY. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the General Improvement Fund, or its successor fund or fund accounts, the following:

(A) For state assistance to the Town of Weldon in Jackson County, for street repair and drainage, the sum of .....\$70,000.

SECTION 82. APPROPRIATION (Sen. Critcher) - SOUTHSIDE WATER COMPANY - INDEPENDENCE COUNTY. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the General Improvement Fund, or its successor fund or fund accounts, the following:

(A) For state assistance to the Southside Water Company - Public Water Authority in Independence County, for seed money for a sewer project, the sum of .....\$100,000.

SECTION 83. APPROPRIATION (Sen. Critcher) - CHARLOTTE PARKS AND RECREATION BOARD - INDEPENDENCE COUNTY. There is hereby appropriated, to the Department of Finance and Administration - Disbursing Officer, to be payable from the General Improvement Fund, or its successor fund or fund accounts, the following:

(A) For state assistance to the Charlotte Parks and Recreation Board in Independence County, for a weatherization project, the sum of .....\$70,000."

AND appropriately renumber the remaining sections of the bill.

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of the Joint Budget Committee, **HOUSE BILL NO. 1380** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1380

Amend **HOUSE BILL NO. 1380** as engrossed,  
H2/24/05 (version: 02-24-2005 08:54)::

Page 4, delete line 14 in its entirety and substitute

"	(E) DATA PROC.	0	0
(05)	DATA PROCESSING AND EQUIPMENT EXPENSES	<u>12,032,483</u>	<u>12,032,483</u> "

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of the Joint Budget Committee, **HOUSE BILL NO. 1422** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1422

Amend **HOUSE BILL NO. 1422** as originally introduced:

Page 4, line 12, delete "EXTRA HELP" and substitute "EXTRA HELP - OPERATIONS"

AND

Delete SECTIONS 3, 4, 5, 6 and 7 of the bill in their entirety and substitute the following new sections:

"SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Department of Arkansas State Police Fund, for personal services and operating expenses of the Department of Arkansas State Police - Operations for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 37,763,389	\$ 38,875,036
(02) EXTRA HELP	46,000	46,000

(03) PERSONAL SERVICES MATCHING	20,103,526	21,272,238
(04) OVERTIME	250,000	250,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	8,961,782	8,870,414
(B) CONF. & TRAVEL	80,000	80,000
(C) PROF. FEES	98,500	98,500
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	20,000	20,000
(06) COVERT OPERATIONS	<u>125,000</u>	<u>125,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 67,448,197</u>	<u>\$ 69,637,188</u>

SECTION 4. APPROPRIATION - VARIOUS FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Arkansas State Police - Federal Programs for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 91,074	\$ 93,806
(02) PERSONAL SERVICES MATCHING	56,891	59,215
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,806,597	1,196,714
(B) CONF. & TRAVEL	109,136	59,136
(C) PROF. FEES	400,000	100,000
(D) CAP. OUTLAY	1,199,016	1,199,016
(E) DATA PROC.	0	0
(04) LOCAL LAW ENFORCEMENT AGENCY GRANTS	<u>315,470</u>	<u>15,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,978,184</u>	<u>\$ 2,722,887</u>

SECTION 5. APPROPRIATION - AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS). There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the State Police Equipment Fund, for operating expenses of the Department of Arkansas State Police - Automated Fingerprint Identification System for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 856,000	\$ 856,000
(B) CONF. & TRAVEL	19,000	19,000
(C) PROF. FEES	30,000	30,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>32,000</u>	<u>32,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 937,000</u>	<u>\$ 937,000</u>

SECTION 6. APPROPRIATION - CONFISCATED FUNDS TRANSFER.  
There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Court Awards Fund, for fund transfers, refunds and investments of the Department of Arkansas State Police - Confiscated Funds Transfer for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REFUNDS-INVEST-TRANSFER	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

SECTION 7. APPROPRIATION - CRIMINAL BACKGROUND CHECKS.  
There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the State Police Equipment Fund, for personal services and operating expenses of the Department of Arkansas State Police - Criminal Background Checks for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 321,558	\$ 331,544
(02) PERSONAL SERVICES MATCHING	186,488	200,795
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,382,174	1,382,174
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,890,220</u>	<u>\$ 1,914,513</u>

SECTION 8. APPROPRIATION - METHAMPHETAMINE INVESTIGATION - FEDERAL. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Arkansas State Police - Methamphetamine Investigation for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) PERSONAL SERVICES MATCHING	\$ 22,200	\$ 22,200
(02) OVERTIME	75,000	75,000
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	209,178	209,178
(B) CONF. & TRAVEL	21,166	21,166
(C) PROF. FEES	78,775	78,775
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 406,319</u>	<u>\$ 406,319</u>

SECTION 9. APPROPRIATION - HIGHWAY SAFETY PROGRAM - FEDERAL. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Department of Arkansas State Police Fund, for personal services, operating expenses and grants of the Department of Arkansas State Police - Highway Safety Program - Federal for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 650,416	\$ 667,069
(02) EXTRA HELP	42,456	42,456
(03) PERSONAL SERVICES MATCHING	465,537	481,818
(04) OVERTIME	1,327,674	1,327,674
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	2,102,104	2,102,104
(B) CONF. & TRAVEL	85,204	84,949
(C) PROF. FEES	1,665,044	1,665,044
(D) CAP. OUTLAY	58,320	35,320
(E) DATA PROC.	0	0

(06) HIGHWAY SAFETY GRANTS	<u>19,165,514</u>	<u>19,165,514</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 25,562,269</u>	<u>\$ 25,571,948</u>

SECTION 10. APPROPRIATION - HIGHWAY SAFETY PROGRAM - STATE. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Child Passenger Protection Fund, for Highway Safety Program Grants of the Department of Arkansas State Police - Highway Safety Program - State for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) HIGHWAY SAFETY PROGRAM GRANTS	<u>\$ 300,000</u>	<u>\$ 300,000</u>

SECTION 11. APPROPRIATION – ARKANSAS WIRELESS INFORMATION NETWORK - FEDERAL. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses of the Department of Arkansas State Police – Arkansas Wireless Information Network for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 2,550,000	\$ 2,550,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	12,651,441	12,651,441
(E) DATA PROC.	0	0
(02) CONSTRUCTION	<u>1,500,000</u>	<u>1,500,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 16,701,441</u>	<u>\$ 16,701,441</u>

SECTION 12. APPROPRIATION – NARCOTIC INVESTIGATIONS. There is hereby appropriated, to the Department of Arkansas State Police, to be payable from the Department of Arkansas State Police Fund, for operating expenses of the Department of Arkansas State Police – Narcotic Investigations for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 110,048	\$ 110,048
(B) CONF. & TRAVEL	4,672	4,672
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	47,197	47,197
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 161,917</u>	<u>\$ 161,917</u>

AND

Page 9, line 28, delete "to" and substitute "to"

AND

Page 9, delete lines 29 through line 33 in their entirety and substitute "request transfer from the appropriation made herein for "Confiscated Funds Transfer" to the Capital Outlay line item contained in the operations appropriation of the Department of Arkansas State Police, and shall be used exclusively for motor vehicle purchases and associated taxes and/or motor vehicle renovation costs for the Department of Arkansas State Police; and to"

AND

Page 9, line 35, delete "~~in the same amount and for the same purposes as~~" and substitute "in the same amount and for the same purposes as"

AND

Page 9, delete line 36 in its entirety and substitute "the appropriation transfer requested under the provisions of this section."

AND

Page 10, delete lines 1 and 2 in their entirety

AND

Page 10, line 30, delete "~~Capital Outlay Administration and Support Services~~ in" and substitute "Capital Outlay in"

AND

Appropriately renumber the sections of the bill.

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Mahony, **HOUSE BILL NO. 1979** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1979

Amend **HOUSE BILL NO. 1979** as originally introduced:

Page 2, line 12, delete "General Revenue Allotment Reserve" and substitute "Federal Fiscal Relief"

/s/ Sam Ledbetter

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

/s/ Ms. Jo Renshaw

Chief Clerk

The House gave Representative Wood unanimous leave to withdraw **HOUSE BILL NO. 1204**.

ENGROSSED BILL REPORTS

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BILL H. STOVALL, III, CHAIRMAN

March 11, 2005

The following bill(s) reported correctly engrossed:

HOUSE BILL NO. 1322	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1380	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1392 - TITLE -	BY REPRESENTATIVE BRIGHT, ET AL
HOUSE BILL NO. 1422	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1569 - TITLE -	BY REPRESENTATIVE L. SMITH
HOUSE BILL NO. 1628 - TITLE -	BY REPRESENTATIVE ROEBUCK, ET AL
HOUSE BILL NO. 1735	BY REPRESENTATIVE GOSS
HOUSE BILL NO. 1979	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 2056	BY REPRESENTATIVE COWLING
HOUSE BILL NO. 2103	BY REPRESENTATIVE COWLING, ET AL
HOUSE BILL NO. 2359	BY REPRESENTATIVE PETRUS
HOUSE BILL NO. 2423 - TITLE -	BY REPRESENTATIVE ANDERSON, ET AL
HOUSE BILL NO. 2472 - TITLE -	BY REPRESENTATIVE BLOUNT, ET AL
HOUSE BILL NO. 2494 - TITLE -	BY REPRESENTATIVE PACE, ET AL
HOUSE BILL NO. 2501	BY REPRESENTATIVE LAMOUREUX

ENGROSSED BILL REPORTS, CONTINUED

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HOUSE BILL NO. 2510 BY REPRESENTATIVE D. JOHNSON  
HOUSE BILL NO. 2524 BY REPRESENTATIVE PICKETT  
HOUSE BILL NO. 2532 BY REPRESENTATIVE MEDLEY  
HOUSE BILL NO. 2574 BY REPRESENTATIVE PETRUS  
HOUSE BILL NO. 2593 - TITLE - BY REPRESENTATIVE VERKAMP, ET AL  
HOUSE BILL NO. 2610 BY REPRESENTATIVE BURRIS  
HOUSE BILL NO. 2627 - TITLE - BY REPRESENTATIVE ROEBUCK, ET AL  
HOUSE BILL NO. 2656 BY REPRESENTATIVE LEDBETTER  
HOUSE BILL NO. 2684 BY REPRESENTATIVE LEDBETTER  
HOUSE BILL NO. 2692 - TITLE - BY REPRESENTATIVE COOK  
HOUSE BILL NO. 2700 - TITLE - BY REPRESENTATIVE CHESTERFIELD  
HOUSE BILL NO. 2713 - TITLE - BY REPRESENTATIVE ADCOCK  
HOUSE BILL NO. 2743 - TITLE - BY REPRESENTATIVE WOOD, ET AL  
HOUSE BILL NO. 2757 - TITLE - BY REPRESENTATIVE COOK  
HOUSE BILL NO. 2852 - TITLE - BY REPRESENTATIVE COWLING  
HOUSE BILL NO. 2886 - TITLE - BY REPRESENTATIVE PICKETT  
HOUSE BILL NO. 2916 - TITLE - BY REPRESENTATIVE PICKETT  
HOUSE BILL NO. 2953 - TITLE - BY REPRESENTATIVE DOBBINS  
HOUSE BILL NO. 2956 BY REPRESENTATIVE WILLIS  
HOUSE BILL NO. 2969 BY REPRESENTATIVE SAUNDERS  
SENATE BILL NO. 51 BY SENATOR J. JEFFRESS  
SENATE BILL NO. 435 BY SENATOR T. SMITH  
SENATE BILL NO. 482 BY SENATOR SALMON

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1392

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BY: REPRESENTATIVES BRIGHT, WOOD, BORHAUER, S. PRATER

*A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE USE OF  
ELECTRONIC MONITORING DEVICES IN LONG-TERM CARE FACILITY  
RESIDENT ROOMS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1569

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BY: REPRESENTATIVES L. SMITH, BLAIR, ELLIOTT, CHESTERFIELD, BLOUNT,  
W. LEWELLEN, DAVIS

BY: *SENATOR MADISON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS CODE TITLE 16, CHAPTER 63 TO ADD AN ADDITIONAL SUBCHAPTER 5 TO PROTECT THE RIGHTS OF THE CITIZENS OF THE STATE OF ARKANSAS TO PARTICIPATE IN GOVERNMENT ACTIONS AND DECISIONS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 1628

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BY: REPRESENTATIVES ROEBUCK, D. CREEKMORE, WOOD, *BRIGHT, DICKINSON, DUNN, D. EVANS, L. EVANS, GEORGE, R. GREEN, HARRIS, JEFFREY, J. JOHNSON, MACK, M. MARTIN, MAXWELL, MEDLEY, NORTON, PETRUS, S. PRATER, RAGLAND, ROSENBAUM, WALTERS, WELLS, WILLS*

BY: *SENATOR WILKINSON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE STATE INCOME TAX EXEMPTION FOR ARMED SERVICES MEMBERS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2423

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BY: REPRESENTATIVES ANDERSON, *MATAYO*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THAT DISPLAYED MATERIAL AS USED IN THE OBSCENITY LAW IS LIMITED TO THE EXTERNAL VISIBLE PORTION OF MATERIAL; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2472

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BY: REPRESENTATIVES BLOUNT, ADCOCK, BRADFORD, CHESTERFIELD,  
CLEMONS, COOK, DAVIS, DOBBINS, ELLIOTT, FITE, GOSS, R. GREEN, W.  
LEWELLEN, RAINEY, L. SMITH, SUMPTER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENCOURAGE  
*CERTIFIED SCHOOL PERSONNEL* TO SERVE THIS STATE AS MEMBERS OF  
THE GENERAL ASSEMBLY; TO REMOVE CONTRACTUAL ROADBLOCKS TO  
*SERVICE OF CERTIFIED SCHOOL PERSONNEL* IN THE GENERAL ASSEMBLY;  
AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2494

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BY: REPRESENTATIVES PACE, PETRUS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ALLOW FOR THE  
DISQUALIFICATION FROM CERTIFICATION OR RECERTIFICATION OF  
EMERGENCY MEDICAL TECHNICIANS GUILTY OF CERTAIN OFFENSES; AND  
FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2510

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BY: REPRESENTATIVE D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE  
LIMITATION OF CAUSES OF ACTION IN ACTIONS CONCERNING ANY ACT OR  
OMISSION OF A HOME INSPECTOR; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2593

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BY: REPRESENTATIVES VERKAMP, ABERNATHY, BERRY, BLAIR, BRADFORD, BRIGHT, CLEMONS, DAVIS, DOBBINS, DUNN, EVERETT, GLIDEWELL, HARDY, J. HUTCHINSON, J. JOHNSON, KEY, KIDD, MACK, MATAYO, MCDANIEL, MEDLEY, PYLE, RAGLAND, ROEBUCK, ROGERS, SCROGGIN, WALTERS, WILLIS

BY: SENATORS WILKINSON, ALTES, BAKER, BISBEE, J. BOOKOUT, BROADWAY, BROWN, BRYLES, CAPPS, CRITCHER, FARIS, GLOVER, HENDREN, HIGGINBOTHOM, HILL, HOLT, HORN, G. JEFFRESS, J. JEFFRESS, B. JOHNSON, LAVERTY, LUKER, MADISON, MALONE, MILLER, SALMON, T. SMITH, STEELE, J. TAYLOR, TRUSTY, WHITAKER, WOMACK, WOOLDRIDGE

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING THE PROTECTION OF THE HEALTH AND WELLBEING OF RESIDENTS IN LONG TERM CARE FACILITIES; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2627

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BY: REPRESENTATIVES ROEBUCK, BRADFORD, BORHAUER, DICKINSON, FLOWERS, GOSS, HARDWICK, HARDY, J. JOHNSON, MAHONY, MCDANIEL, S. PRATER, RAGLAND, REEP, WILLIS, WOOD

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE CERTAIN PUBLIC WATER SUPPLIES TO MAINTAIN A LEVEL OF FLUORIDE TO PREVENT TOOTH DECAY; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2692

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*BY: REPRESENTATIVE COOK*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE BEVERAGE CONTAINER LITTER REDUCTION FEE PROGRAM; TO REDUCE LITTER, FACILITATE BEVERAGE CONTAINER RECYCLING AND REQUIRE LABELING OF BEVERAGE CONTAINERS; TO REQUIRE PREPAYMENT FOR BEVERAGE CONTAINER DISPOSAL AND PROVIDE FOR DISTRIBUTION OF THE DISPOSAL PREPAYMENT FEE; TO PERMIT REDEMPTION CENTERS AND ADOPT REGULATIONS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2700

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*BY: REPRESENTATIVE CHESTERFIELD*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE SCHOOL DISTRICT AUDITORS TO *COMPLY WITH INDEPENDENCE STANDARDS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2713

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*BY: REPRESENTATIVES ADCOCK, PRITCHARD*

*BY: SENATOR STEEL*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE GROSS RECEIPTS AND COMPENSATING USE TAX EXEMPTION FOR THE SALE OF A USED MOTOR VEHICLE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2743

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BY: REPRESENTATIVES WOOD, *DICKINSON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE THAT CERTIFIED TEACHERS FOR THE ARKANSAS NATIONAL GUARD YOUTH CHALLENGE PROGRAM AND THE C-STEP PROGRAM RECEIVE TEACHER SALARIES AND BENEFITS SUBSTANTIALLY EQUAL TO THE SALARIES AND BENEFITS RECEIVED BY TEACHERS IN THE PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2757

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BY: REPRESENTATIVE COOK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR AN ON-CAMPUS STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS REVIEW BY THE DEPARTMENT OF EDUCATION ONE (1) TIME EVERY FOUR (4) YEARS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2852

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BY: REPRESENTATIVE COWLING

A BILL FOR AN ACT TO BE ENTITLED *AN ACT PERTAINING TO THE LICENSURE REQUIREMENTS FOR INSURANCE AGENTS, BROKERS, ADJUSTERS AND INSURANCE CONSULTANTS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2886

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*BY: REPRESENTATIVE PICKETT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO PROVIDE FOR ADEQUATE SCHOOL FACILITIES THROUGHOUT THE STATE; TO PROVIDE FUNDING AND FUNDING PROGRAMS FOR ADEQUATE SCHOOL FACILITIES; TO SET FORTH MEASURES TO PROVIDE EQUALITY OF EDUCATIONAL OPPORTUNITY, INCLUDING STANDARDS FOR A RICH CURRICULA, TEACHERS' SALARIES, FACILITIES, AND EQUIPMENT FOR OBTAINING AN ADEQUATE EDUCATION; TO PROVIDE FOR THE FUNDING OF EDUCATION; TO CONFORM THE ARKANSAS CODE TO COMPLY WITH THE ARKANSAS SUPREME COURT DECISION IN THE LAKE VIEW CASE; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2916

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*BY: REPRESENTATIVE PICKETT*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE REPORTING REQUIREMENTS FOR INTERSCHOOL ATHLETIC PROGRAMS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED  
HOUSE BILL NO. 2953

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*BY: REPRESENTATIVES DOBBINS, STOVALL, JACKSON*

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE ECONOMIC AND EDUCATIONAL OPPORTUNITIES BY FURTHERING THE GOAL OF PROVIDING ALL ARKANSANS WITH THE ABILITY TO CONNECT TO THE WORLD WIDE WEB VIA BROADBAND; TO ESTABLISH THE BROADBAND INCENTIVE ACT OF 2005; AND FOR OTHER PURPOSES.

The Speaker requested that **HOUSE BILL NO. 2535** be transferred to AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

Upon motion of Representative Jackson, **SENATE BILL NO. 482** was placed back on second reading for the purpose of amendment.

**AMENDMENT NO. 1 TO SENATE BILL NO. 482**

Amend **SENATE BILL NO. 482** as engrossed,

S2/28/05 (version: 02-28-2005 14:02)::

Page 5, line 10, delete "and"

AND

Page 5, delete line 17, and substitute the following:

"Surveyors; and"

(l) The qualified efficiency engineer shall provide in favor of the issuer a payment and performance bond insuring the qualified efficiency engineering company's faithful performance of the installation and construction required under the qualified efficiency contract."

AND

Page 5, line 28, delete "efficiency savings."

AND

Page 5, line 30, delete "or occurring as a result of"

AND

Page 5, line 31, delete "performance-based efficiency"

/s/ Phillip Jackson

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Verkamp, **SENATE BILL NO. 435** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 435

Amend **SENATE BILL NO. 435** as originally introduced:

Page 2, on line 12 delete "engaged" and substitute "being towed"

/s/ John Paul Verkamp

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

/s/ Ms. Jo Renshaw  
Chief Clerk

Upon motion of Representative Bolin, **SENATE BILL NO. 51** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO SENATE BILL NO. 51

Amend **SENATE BILL NO. 51** as engrossed,

S3/1/05 (version: 03-01-2005 08:32)::

Page 1, delete line 29 entirely and substitute:

"(a) As used in this section:

(1) "Authorized representative" means a person who is the attorney-in-fact for an owner or a person who has been appointed the administrator or personal representative of the estate of the owner;"

AND

Page 1, line 30, delete "(1)" and substitute "(2)"

AND

Page 1, line 31, delete "that:" and substitute "that does one (1) or more of the following:"

AND

Page 2, line 5, delete "and" and substitute "or"

AND

Page 2, line 6, delete "module;" and substitute "module, restraint control module, electronic throttle control, or other similar component;"

AND

Page 2, line 11, delete "or" entirely

AND

Page 2, delete line 13 entirely and substitute:

"vehicle as the purchaser under a security agreement; or

(iv) Who is the authorized representative of the owner."

AND

Page 3, line 6, delete "accessed" and substitute "created"

AND

Page 3, delete line 19 and substitute:

"insured to cooperate with the insurer.

(4) An insurer or lessor of a motor vehicle shall not require an owner to provide written permission for the access or retrieval of information from a motor vehicle event data recorder as a condition of the policy or lease."

/s/ Johnnie Bolin

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

/s/ Ms. Jo Renshaw  
Chief Clerk

HOUSE RESOLUTION NO.1013

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BY: REPRESENTATIVE PACE

FOR A STUDY OF THE NEED TO REQUIRE ORTHOTISTS AND PROSTHETISTS TO BE LICENSED UNDER ARKANSAS LAW.

THE RESOLUTION RECEIVED UNANIMOUS SUPPORT.

HOUSE CONCURRENT RESOLUTION NO. 1025

---

BY: REPRESENTATIVE THOMASON

URGING THE CONGRESS OF THE UNITED STATES TO TAKE IMMEDIATE AND DECISIVE ACTION TO PROTECT THE CITIZENS OF THE STATE OF ARKANSAS FROM ABUSIVE RAILROAD PRACTICES.

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

HOUSE CONCURRENT RESOLUTION NO. 1028

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BY: REPRESENTATIVE M. MARTIN

ENCOURAGING THE MEMBERS OF THE ARKANSAS CONGRESSIONAL DELEGATION TO SUPPORT HR 596 TO AMEND THE PUBLIC HEALTH SERVICE ACT TO ESTABLISH A NATIONAL CORD BLOOD STEM CELL BANK NETWORK TO PREPARE, STORE, AND DISTRIBUTE HUMAN UMBILICAL CORD BLOOD STEM CELLS FOR THE TREATMENT OF PATIENTS AND TO SUPPORT PEER-REVIEWED RESEARCH USING THE CELLS.

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

HOUSE BILL NO. 2921

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BY: REPRESENTATIVE J. MARTIN

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dickinson, Dobbins, Key, McDaniel, Pritchard, Sumpter, Thyer, Mr. Speaker.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast.....89

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

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

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

Morning Hour Expired.

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

ARKANSAS SENATE

AMENDMENT NO. 1 TO HOUSE BILL NO. 1209

Amend HOUSE BILL NO. 1209 as engrossed,  
H2/2/05 (version 02-02-2005 08:45)::

Add Senator Hill as a cosponsor of the bill

AND

Page 2, delete lines 17 through 20 and substitute the following:

“expressly provide in bold and prominent type that the discounts are not insurance;

(2) The card or other purchasing mechanism or device does not expressly provide in bold and prominent type on the card or a statement attached to the card that the consumer has the right to cancel his or her registration within thirty (30) days from the effective date of the card”

AND

Page 2, line 22, delete “(2)” and substitute “~~(2)~~(3)”

AND

Page 2, line 25, delete “(3)” and substitute “~~(3)~~(4)”

AND

Page 2, line 31, delete “(4)” and substitute “~~(4)~~(5)”

AND

Page 2, line 36, delete “(5)” and substitute “~~(5)~~(6)”

AND

Page 3, delete lines 1 through 4 and substitute the following:

“device, or any other document that is provided to the consumer at the time the card or other purchasing mechanism or device is received, does not contain:

(A) Information in bold and prominent type that a consumer has the right to cancel his or her registration within thirty (30) days from the effective date of the card or other purchasing mechanism or device; and

(B) Instructions on how a consumer may cancel his or her registration.”

AND

Page 3, line 5, delete “(6)” and substitute “(7)”

AND

Page 3, delete lines 10 and 11 and substitute the following:

“contains a thirty-day cancellation period ; or”

AND

Page 3, line 12, delete “(7)” and substitute “(8)”

AND

Page 3, line 18, delete “forty-five-day” and substitute “thirty-day”

AND

Page 4, line 10, delete “forty-fifth” and substitute “thirtieth”

AND

Delete SECTION 6 in its entirety

/s/ Jim Hill

The Amendment was read and the vote was as follows:

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Cowling, Dobbins, Sumpter, Thyer, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

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

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

So the Amendment was concurred in.

/s/ Ms. Jo Renshaw  
Chief Clerk

HOUSE BILL NO. 2099

BY: REPRESENTATIVE BOND

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....92

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Glidewell, Pritchard, Thyer, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

Total number voting in the affirmative .....92

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

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

HOUSE BILL NO. 2049

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BY: REPRESENTATIVE JEFFREY

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Pritchard, Pyle, Ragland, Rainey, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Davenport, Dobbins, Jackson, Prater, Rankin, Thyer, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....90

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2049**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Pritchard, Pyle, Ragland, Rainey, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Davenport, Dobbins, Jackson, Prater, Rankin, Thyer, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2410

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**BY: REPRESENTATIVE HARRIS**

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Thyer, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

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

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

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

HOUSE BILL NO. 1956

BY: REPRESENTATIVE T. HUTCHINSON

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thompson, Verkamp, Walters, Willis, Wills, Wood, Wyatt.

Total .....91

NEGATIVE: Thomason.

Total .....1

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Ledbetter, Thyer, Wells, Mr. Speaker.

Total .....8

VOTING PRESENT:

Total .....0

Total number of votes cast .....92

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

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

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

HOUSE BILL NO. 2465

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BY: REPRESENTATIVE DANGEAU

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Thyer, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

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

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

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

HOUSE BILL NO. 2869

BY: REPRESENTATIVE WELLS

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dickinson, Dobbins, Hardwick, Key, McDaniel, Thyer, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

Total number voting in the affirmative .....90

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

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

HOUSE BILL NO. 2907

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BY: REPRESENTATIVE S. PRATER

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....89

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Anderson, Bolin, Borhauer, Burris, Chesterfield, Cook, Cowling, Dobbins, Petrus, Thyer, Mr. Speaker.

Total .....11

VOTING PRESENT:

Total .....0

Total number of votes cast.....89

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

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

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

HOUSE BILL NO. 2753

BY: REPRESENTATIVE OVERBEY

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Rankin, Thyer, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

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

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2753**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

**EMERGENCY CLAUSE**

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....93

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Rankin, Thyer, Mr. Speaker.

Total .....7

VOTING PRESENT:

Total .....0

Total number of votes cast.....93

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

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2534

BY: REPRESENTATIVE OVERBEY

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....89

NEGATIVE: Ormond.

Total .....1

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Cowling, Dobbins, Jackson, Lewellen, Maxwell, Thyer, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast .....90

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

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

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

HOUSE BILL NO. 2718

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BY: REPRESENTATIVE CHILDERS

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Flowers, George, Glidewell, Goss, Green, Hardwick, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wyatt.

Total .....82

NEGATIVE: Pickett, Prater, Scroggin.

Total .....3

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Davis, Dickinson, Dobbins, Fite, Hardy, Jackson, Maxwell, McDaniel, Thyer, Wills, Wood, Mr. Speaker.

Total .....15

VOTING PRESENT:

Total .....0

Total number of votes cast.....85

Total number voting in the affirmative .....82

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

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

HOUSE BILL NO. 2612

BY: REPRESENTATIVE WALTERS

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....90

NEGATIVE: Ormond.

Total .....1

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Cowling, Davenport, Dobbins, Maxwell, Thyer, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

Total number voting in the affirmative .....90

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

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

HOUSE BILL NO. 2721

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BY: REPRESENTATIVE KENNEY

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, Everett, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....88

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Anderson, Borhauer, Chesterfield, Cook, Dobbins, L. Evans, Fite, Jackson, Maxwell, Petrus, Thyer, Mr. Speaker.

Total .....12

VOTING PRESENT:

Total .....0

Total number of votes cast.....88

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

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

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

HOUSE BILL NO. 2458

BY: REPRESENTATIVE MACK

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Anderson, Berry, Bolin, Borhauer, Chesterfield, Cook, Dobbins, Hardwick, Jackson, Petrus, Roebuck, Thyer, Mr. Speaker.

Total .....13

VOTING PRESENT:

Total .....0

Total number of votes cast .....87

Total number voting in the affirmative .....87

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

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

Motion was made by Representative Bond to hold SENATE BILL NO. 383 in the House for three more days. Motion carried.

HOUSE BILL NO. 1395

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BY: REPRESENTATIVE BURRIS

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lewellen, Mack, Maloch, J. Martin, M. Martin, Matayo, Mathis, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood.

Total .....86

NEGATIVE: Pickett.

Total .....1

ABSENT OR NOT VOTING: Berry, Borhauer, Chesterfield, Cook, Dobbins, Dunn, Lamoureux, Ledbetter, Mahony, Maxwell, Thyer, Wyatt, Mr. Speaker.

Total .....13

VOTING PRESENT:

Total .....0

Total number of votes cast.....87

Total number voting in the affirmative .....86

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

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

Upon motion of Representative Burris the Clincher motion prevailed.

HOUSE BILL NO. 1888

BY: REPRESENTATIVE DANGEAU

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

AFFIRMATIVE: Adams, Adcock, Anderson, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood.

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Abernathy, Berry, Borhauer, Chesterfield, Cook, Cowling, Dobbins, M. Martin, Petrus, Pickett, Thyer, Wyatt, Mr. Speaker.

Total .....13

VOTING PRESENT:

Total .....0

Total number of votes cast .....87

Total number voting in the affirmative .....87

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

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

HOUSE BILL NO. 2653

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BY: REPRESENTATIVE DICKINSON

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Chesterfield, Cook, Cowling, Dobbins, Sumpter, Thyer, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast.....91

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

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

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2653**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....91

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Berry, Borhauer, Chesterfield, Cook, Cowling, Dobbins, Sumpter, Thyer, Mr. Speaker.

Total .....9

VOTING PRESENT:

Total .....0

Total number of votes cast .....91

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

Necessary to the adoption of the emergency clause.....67

So the Emergency Clause was adopted.

HOUSE BILL NO. 2688

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BY: REPRESENTATIVE D. JOHNSON

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....94

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Thyer, Mr. Speaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast.....94

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

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

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

HOUSE BILL NO. 2948

BY: REPRESENTATIVE J. MARTIN

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blount, Bolin, Bond, Boyd, Bright, Burris, Childers, Clemons, Cowling, Creekmore, Dangeau, Davenport, Davis, Edwards, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, McDaniel, Medley, Nichols, Norton, Overbey, Pate, Petrus, Prater, Pritchard, Pyle, Ragland, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Wills, Wood.

Total .....81

NEGATIVE: Bradford, Cooper, Ormond, Willis.

Total .....4

ABSENT OR NOT VOTING: Blair, Borhauer, Chesterfield, Cook, Dickinson, Dobbins, Dunn, Ledbetter, Pace, Pickett, Thyer, Wyatt, Mr. Speaker.

Total .....13

VOTING PRESENT: Elliott, Rainey.

Total .....2

Total number of votes cast .....87

Total number voting in the affirmative .....81

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

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

Motion was made by Representative Mahony to hold HOUSE BILL NO. 2948 in the House for three days. Motion carried.

HOUSE BILL NO. 2786

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**BY: REPRESENTATIVE WILLS**

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Ledbetter, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Dobbins, McDaniel, Pate, Thyer, Willis, Mr. Speaker.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....90

Total number voting in the affirmative .....90

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

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

HOUSE BILL NO. 2801

BY: REPRESENTATIVE LAMOUREUX

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....87

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Cowling, Dobbins, Fite, Ledbetter, McDaniel, Medley, Pate, Thyer, Mr. Speaker.

Total .....13

VOTING PRESENT:

Total .....0

Total number of votes cast .....87

Total number voting in the affirmative .....87

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

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

HOUSE BILL NO. 2804

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**BY: REPRESENTATIVE LAMOUREUX**

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

AFFIRMATIVE: Abernathy, Adams, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, Matayo, Mathis, Maxwell, Nichols, Norton, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Willis, Wills, Wood, Wyatt.

Total .....80

NEGATIVE: Adcock, Bolin, Cowling, Ormond.

Total .....4

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Childers, Cook, Dobbins, Hardwick, Ledbetter, M. Martin, McDaniel, Medley, Pate, Roebuck, Thyer, Wells, Mr. Speaker.

Total .....15

VOTING PRESENT: Edwards.

Total .....1

Total number of votes cast.....85

Total number voting in the affirmative .....80

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

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

HOUSE BILL NO. 2806

BY: REPRESENTATIVE LAMOUREUX

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bolin, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....90

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, Ledbetter, McDaniel, Pate, Thyer, Mr. Speaker.

Total .....9

VOTING PRESENT: Thompson.

Total .....1

Total number of votes cast .....91

Total number voting in the affirmative .....90

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

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

HOUSE BILL NO. 2704

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**BY: REPRESENTATIVE THOMASON**

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cooper, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Willis, Wills, Wood, Wyatt.

Total .....86

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Cowling, Dobbins, Flowers, Ledbetter, Mahony, McDaniel, Pate, Saunders, Thyer, Mr. Speaker.

Total .....14

VOTING PRESENT:

Total .....0

Total number of votes cast.....86

Total number voting in the affirmative .....86

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

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

HOUSE BILL NO. 1758

BY: REPRESENTATIVE J. JOHNSON

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Bradford, Burris, Creekmore, Dangeau, Davenport, Davis, Edwards, Elliott, Everett, Fite, Flowers, George, Goss, Green, Hardwick, Hardy, Harris, Jackson, Jeffrey, D. Johnson, J. Johnson, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, Medley, Ormond, Overbey, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Wills, Wood, Wyatt.

Total .....64

NEGATIVE: Cooper, Dickinson, Dunn, Glidewell, Harrelson, T. Hutchinson, Key, M. Martin, Maxwell, Pace.

Total .....10

ABSENT OR NOT VOTING: Bolin, Borhauer, Boyd, Bright, Chesterfield, Childers, Clemons, Cook, Cowling, Dobbins, D. Evans, L. Evans, J. Hutchinson, Kenney, Ledbetter, Matayo, Mathis, McDaniel, Nichols, Norton, Pate, Petrus, Rankin, Thyer, Willis, Mr. Speaker.

Total .....26

VOTING PRESENT:

Total .....0

Total number of votes cast.....74

Total number voting in the affirmative .....64

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

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

Upon motion of Representative J. Johnson the Clincher motion prevailed.

HOUSE BILL NO. 2526

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BY: REPRESENTATIVE J. MARTIN

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, L. Evans, Everett, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jackson, Jeffrey, D. Johnson, J. Johnson, Kenney, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Nichols, Norton, Ormond, Overbey, Pace, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Wills, Wood.

Total .....85

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Cooper, Dobbins, D. Evans, Fite, Ledbetter, McDaniel, Pate, Thyer, Willis, Wyatt, Mr. Speaker.

Total .....15

VOTING PRESENT:

Total .....0

Total number of votes cast.....85

Total number voting in the affirmative .....85

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

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

HOUSE BILL NO. 1808

BY: REPRESENTATIVE BRADFORD

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

AFFIRMATIVE: Abernathy, Adams, Adcock, Anderson, Berry, Blair, Blount, Bond, Boyd, Bradford, Bright, Burris, Childers, Clemons, Cowling, Creekmore, Dangeau, Davenport, Davis, Dickinson, Dunn, Edwards, Elliott, D. Evans, L. Evans, Everett, Fite, Flowers, George, Glidewell, Goss, Green, Hardwick, Hardy, Harrelson, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, D. Johnson, J. Johnson, Key, Kidd, Lamoureux, Lewellen, Mack, Mahony, Maloch, J. Martin, M. Martin, Matayo, Mathis, Maxwell, Medley, Norton, Ormond, Overbey, Pace, Pate, Petrus, Pickett, Prater, Pritchard, Pyle, Ragland, Rainey, Rankin, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, L. Smith, Sullivan, Sumpter, Thomason, Thompson, Verkamp, Walters, Wells, Wills, Wood.

Total .....85

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING: Bolin, Borhauer, Chesterfield, Cook, Cooper, Dobbins, Jackson, Kenney, Ledbetter, McDaniel, Nichols, Thyer, Willis, Wyatt, Mr. Speaker.

Total .....15

VOTING PRESENT:

Total .....0

Total number of votes cast .....85

Total number voting in the affirmative .....85

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

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

HOUSE BILL NO. 1768

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**BY: REPRESENTATIVE KEY**

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

AFFIRMATIVE: Abernathy, Adams, Anderson, Berry, Blount, Bolin, Bond, Boyd, Bright, Burris, Childers, Cowling, Dangeau, Davenport, Dickinson, D. Evans, Everett, Flowers, George, Glidewell, Green, Hardwick, Hardy, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, Kenney, Key, Mack, Mahony, J. Martin, M. Martin, Matayo, Medley, Nichols, Norton, Overbey, Prater, Pritchard, Pyle, Ragland, Reep, Roebuck, Rogers, Rosenbaum, Sample, Saunders, Schulte, Scroggin, Sullivan, Thomason, Wells, Wills, Wood.

Total .....55

NEGATIVE: Adcock, Blair, Bradford, Clemons, Cooper, Creekmore, Davis, Dunn, Elliott, Fite, Harrelson, D. Johnson, J. Johnson, Kidd, Lewellen, Mathis, Maxwell, McDaniel, Ormond, Pate, Petrus, Rainey, L. Smith, Sumpter, Thompson, Verkamp, Walters, Wyatt.

Total .....28

ABSENT OR NOT VOTING: Borhauer, Chesterfield, Cook, Dobbins, L. Evans, Jackson, Lamoureux, Ledbetter, Maloch, Pace, Pickett, Rankin, Thyer, Willis, Mr. Speaker.

Total .....15

VOTING PRESENT: Edwards, Goss.

Total .....2

Total number of votes cast.....85

Total number voting in the affirmative .....55

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

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

Upon motion of Representative Key the Clincher motion prevailed.

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 HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED
 

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HOUSE BILL NO. 1395 BY REPRESENTATIVE BURRIS  
 HOUSE BILL NO. 1758 BY REPRESENTATIVE J. JOHNSON  
 HOUSE BILL NO. 1768 BY REPRESENTATIVE KEY  
 HOUSE BILL NO. 1808 BY REPRESENTATIVE BRADFORD  
 HOUSE BILL NO. 1888 BY REPRESENTATIVE DANGEAU  
 HOUSE BILL NO. 1956 BY REPRESENTATIVE T. HUTCHINSON  
 HOUSE BILL NO. 2049 BY REPRESENTATIVE JEFFREY  
 HOUSE BILL NO. 2099 BY REPRESENTATIVE BOND  
 HOUSE BILL NO. 2410 BY REPRESENTATIVE HARRIS  
 HOUSE BILL NO. 2430 BY REPRESENTATIVE BURRIS  
 HOUSE BILL NO. 2458 BY REPRESENTATIVE MACK  
 HOUSE BILL NO. 2465 BY REPRESENTATIVE DANGEAU  
 HOUSE BILL NO. 2526 BY REPRESENTATIVE J. MARTIN  
 HOUSE BILL NO. 2534 BY REPRESENTATIVE OVERBEY  
 HOUSE BILL NO. 2612 BY REPRESENTATIVE WALTERS  
 HOUSE BILL NO. 2653 BY REPRESENTATIVE DICKINSON  
 HOUSE BILL NO. 2688 BY REPRESENTATIVE D. JOHNSON  
 HOUSE BILL NO. 2704 BY REPRESENTATIVE THOMASON  
 HOUSE BILL NO. 2718 BY REPRESENTATIVE CHILDERS  
 HOUSE BILL NO. 2721 BY REPRESENTATIVE KENNEY  
 HOUSE BILL NO. 2753 BY REPRESENTATIVE OVERBEY  
 HOUSE BILL NO. 2786 BY REPRESENTATIVE WILLS  
 HOUSE BILL NO. 2801 BY REPRESENTATIVE LAMOUREUX  
 HOUSE BILL NO. 2804 BY REPRESENTATIVE LAMOUREUX  
 HOUSE BILL NO. 2806 BY REPRESENTATIVE LAMOUREUX  
 HOUSE BILL NO. 2869 BY REPRESENTATIVE WELLS  
 HOUSE BILL NO. 2907 BY REPRESENTATIVE S. PRATER

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 SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED
 

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SENATE BILL NO. 379 BY SENATOR HIGGINBOTHOM

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND  
ORDERED TRANSMITTED TO THE SENATE

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HOUSE CONCURRENT

RESOLUTION NO. 1025

BY REPRESENTATIVE THOMASON

HOUSE CONCURRENT

RESOLUTION NO. 1028

BY REPRESENTATIVE M. MARTIN

Upon motion of Representative Harris, the House adjourned at 12:12 p.m.  
until 1:30 p.m., Monday, March 14, 2005.

ATTEST:

\_\_\_\_\_  
Bill H. Stovall, III  
Speaker of the House of Representatives

\_\_\_\_\_  
Jo Renshaw  
Chief Clerk

