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

Little Rock, Arkansas

March 20, 2013

The Senate was called to order at 1:30 o'clock p.m. by the President.

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

BLEDSON, BOOKOUT, BURNETT, CALDWELL, CHEATHAM,
CHESTERFIELD, CLARK, DISMANG, ELLIOTT, ENGLISH,
FILES, FLOWERS, HENDREN, HESTER, HICKEY, HOLLAND,
HUTCHINSON, INGRAM, IRVIN, JOHNSON, KEY, KING,
LAMOUREUX, LINDSEY, MALOCH, PIERCE, RAPERT,
SAMPLE, SANDERS, STUBBLEFIELD, TEAGUE, THOMPSON,
WILLIAMS, WOOD, WYATT.

The Senate was led in prayer by Reverend Danny Robinson, Beautiful Zion
Missionary Baptist Church.

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

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

On motion of Senator Sample, **Senate Bill No. 137** was withdrawn from the Committee on JOINT RETIREMENT & SOCIAL SECURITY, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 137

Amend **Senate Bill No. 137** as engrossed, S3/19/13:

Page 3, delete line 24, and substitute the following:
"(10) years of actual service in order to be eligible under this section.

SECTION 6. Arkansas Code § 24-10-605, concerning compulsory retirement, is amended to add an additional subsection to read as follows:

(c) A member hired on or after July 1, 2013, shall accrue ten (10) years of actual credited service in order to be eligible under this section."

AND

Page 3, line 26, delete "SECTION 6." and substitute "SECTION 7."

AND

Page 4, delete line 17, and substitute the following:
"is filed with the board.

SECTION 8. Arkansas Code § 24-10-608, concerning death of a member in paid service, is amended to add an additional subsection to read as follows:

(g) A member hired on or after July 1, 2013, shall accrue ten (10) years of actual credited service in order to be eligible under this section."

AND

Page 4, line 19, delete "SECTION 7." and substitute "SECTION 9."

AND

Page 4, line 26, delete "SECTION 8." and substitute "SECTION 10."

AND

Page 5, line 2, delete "SECTION 9." and substitute "SECTION 11."

AND

Page 5, line 17, delete "SECTION 10." and substitute "SECTION 12."

AND

Page 5, line 29, delete "SECTION 11." and substitute "SECTION 13."

AND

Page 6, line 3, delete "SECTION 12." and substitute "SECTION 14."

AND

Page 6, line 16, delete "SECTION 13." and substitute "SECTION 15."

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 137 was ordered engrossed.

On motion of Senator Thompson, **Senate Bill No. 378** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 378

Amend **Senate Bill No. 378** as originally introduced:

Page 1, line 9, delete " - HISTORIC ARKANSAS MUSEUM"

AND

Page 1, line 16, delete " - HISTORIC ARKANSAS MUSEUM"

AND

Page 1, line 24, delete " - Historic Arkansas"

AND

Page 1, line 25, delete "Museum".

(SIGNED) SENATOR ROBERT THOMPSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 378 was ordered engrossed.

On motion of Senator Dismang, **Senate Bill No. 635** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 635

Amend **Senate Bill No. 635** as originally introduced:

Page 1, line 8, delete "UNIVERSITY OF"

AND

Page 1, line 9, delete "ARKANSAS FOR MEDICAL SCIENCES" and insert therefor "DEPARTMENT OF HUMAN SERVICES"

AND

Page 1, line 14, delete "UNIVERSITY OF ARKANSAS FOR" and insert therefor "DEPARTMENT OF HUMAN SERVICES"

AND

Page 1, line 15, delete "MEDICAL SCIENCES"

AND

Page 1, line 23, delete "University of Arkansas for Medical Sciences" and insert therefor "Department of Human Services"

(SIGNED) SENATOR JONATHAN DISMANG

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 635 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 728** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 728

Amend **Senate Bill No. 728** as originally introduced:

Add Senators L. Chesterfield, S. Flowers as cosponsors of the bill

AND

Add Representatives H. Wilkins, C. Armstrong, E. Armstrong, Catlett, Fielding, Hodges, Love, McGill, Murdock, Sabin, Walker, Wardlaw, Williams, Word as cosponsors of the bill

(SIGNED) SENATOR JOYCE ELLIOTT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 728 was ordered engrossed.

On motion of Senator English, **Senate Bill No. 740** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION**

Amendment No. 1 to SENATE BILL NO. 740

Amend **Senate Bill No. 740** as originally introduced:

Page 2, line 13, delete "Eligible contribution" and substitute "Contribution"

AND

Page 4, line 15, delete "eligible"

AND

Page 4, line 21, delete "eligible"

AND

Page 4, line 25, delete "an" and substitute "a"

AND

Page 4, line 26, delete "eligible"

AND

Page 5, delete line 29, and substitute the following:

"rescission is accepted by the department.

(6)(A) For a contribution to be eligible for the income tax credit allowed under this section:

(i) The eligible taxpayer shall make a pledge to the nonprofit scholarship-funding organization for the contribution;

(ii) The nonprofit scholarship funding organization shall submit each pledge for a contribution received under subdivision (b)(6)(A)(i) of this section to the department within one (1) business day of receiving the pledge;

(iii) The department shall determine whether a pledge for a contribution is eligible under subdivision (b)(3) of this section and shall notify the nonprofit scholarship-funding organization of the approval or disapproval of the pledge for a contribution within ten (10) business days of receiving the pledge for a contribution under subdivision (b)(6)(A)(ii) of this section;

(iv) The nonprofit scholarship-funding organization shall notify the eligible taxpayer of the department's determination under subdivision (b)(6)(A)(iii) of this section within two (2) business days of receiving notification from the department;

(v) The eligible taxpayer shall pay the amount of the contribution pledged under subdivision (b)(6)(A)(i) of this section:

(a) Within sixty (60) days if the eligible taxpayer is a business entity; or

(b) Within thirty (30) days if the eligible taxpayer is an individual; and

(vi) The nonprofit scholarship-funding organization shall notify the department of each contribution paid under subdivision (b)(6)(A)(v) of this section within two (2) business days of receiving payment of the contribution.

(B) A pledge for a contribution is not considered in the total amount of income tax credits for purposes of subdivision (b)(3) of this section until the eligible taxpayer has paid the contribution to the nonprofit scholarship funding organization under subdivision (b)(6)(A)(v) of this section."

AND

Page 5, line 33, delete "three (3)" and substitute "ten (10)"

AND

Page 6, line 3, delete "eligible"

AND

Page 6, delete lines 9 and 10

AND

Page 6, line 11, delete "(e)" and substitute "(d)"

AND

Page 6, delete lines 17 through 20

AND

Page 6, line 21, delete "(3)" and substitute "(1)"

AND

Page 6, delete lines 23 through 31, and substitute the following:

"(2) Determine the eligibility of each pledge for a contribution to a nonprofit scholarship-funding organization on a first-come, first-served basis within ten (10) days of receiving the pledge for a contribution from a nonprofit scholarship-funding organization up to the limitation stated in § 26-51-2604(b)(3);

(3) Develop a system for tracking the order in which pledges for contributions are received, including pledges for contributions that are received after the limitation stated in § 26-51-2604(b)(3) has been reached;

(4) Notify each nonprofit scholarship-funding organization when the limitation stated in § 26-51-2604(b)(3) has been reached;"

AND

Page 6, line 32, delete "(6)" and substitute "(5)"

AND

Page 6, line 36, delete "(7)" and substitute "(6)"

AND

Page 7, line 7, delete "eligible"

AND

Page 7, line 32, delete "an eligible" and substitute "a"

AND

Page 7, line 33, delete "eligible"

AND

Page 8, line 18, delete "Eligible contribution" and substitute "Contribution"

AND

Page 10, line 18, delete "eligible"

AND

Page 12, line 1, delete "eligible"

AND

Page 12, line 22, delete "eligible"

AND

Page 12, line 25, delete "eligible"

AND

Page 12, line 33, delete "eligible"

AND

Page 12, line 36, delete "eligible"

AND

Page 13, line 10, delete "eligible"

AND

Page 17, line 16, delete "to the"

AND

Page 17, line 17, delete "Department of Finance and Administration"

AND

Page 17, delete line 18, and substitute the following:

"adopted by the nonprofit scholarship-funding organization;

(29) Shall accept pledges for contributions under § 26-51-2604;

(30) Within one (1) business day of receiving a pledge for a contribution under § 26-51-2604, shall submit the pledge for a contribution to the Department of Finance and Administration in the order in which the pledge was received;

(31) Shall notify each eligible taxpayer of the Department of Finance and Administration's determination as to the eligibility of a pledge for a contribution in writing within two (2) business days of receiving notice from the Department of Finance and Administration concerning the eligibility of the pledge for a contribution;

(32) Shall notify the Department of Finance and Administration of the receipt of contributions under § 26-51-2604(b)(6)(A)(v) within one (1) business day of receiving the contribution; and"

AND

Page 17, line 19, delete "(29)" and substitute "(33)"

AND

Page 19, line 10, delete "eligible"

AND

Page 19, line 14, delete "eligible"

AND

Page 21, delete line 6, and substitute the following:
"funding under § 6-20-2305;

(3) By July 15, 2013, and by March 15 each year thereafter, list the nonprofit scholarship-funding organizations;

(4) Verify annually the eligibility of nonprofit scholarship-funding organizations;

(5) Notify a nonprofit scholarship-funding organization of any of the nonprofit scholarship-funding organization's identified students who are receiving corporate income tax credit scholarships from other nonprofit scholarship-funding organizations;

(6) Require quarterly reports by a nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program and the eligible private schools at which the students are enrolled;"

AND

Page 21, line 7, delete "(3)" and substitute "(7)"

AND

Page 21, line 8, delete "(4)" and substitute "(8)"

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 740 was ordered engrossed.

On motion of Senator Ingram, **Senate Bill No. 821** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment Nos. 2 and 3.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 821

Amend **Senate Bill No. 821** as engrossed, S3/12/13:

Delete Representatives Slinkard, Ferguson as cosponsors of the bill

AND

Add Representatives Vines, Slinkard, Ferguson as cosponsors of the bill

AND

Add Senators B. Sample, Rapert as cosponsors of the bill

AND

Page 1, line 19, delete "PETITIONS; TO" and substitute "PETITIONS; TO REPEAL PROVISIONS OF ARKANSAS LAW PROVIDING FOR REVIEW OF THE LEGAL SUFFICIENCY OF STATEWIDE INITIATIVE PETITIONS AND BALLOT TITLES BEFORE COMPLETED PETITIONS ARE FILED; TO"

AND

Page 4, line 6, delete "name, address" and substitute "name and print his or her own name, address"

AND

Page 4, line 14, delete "the address" and substitute "the name, address"

AND

Page 4, line 21, delete "name, address" and substitute "name and print his or her own name, address"

AND

Page 4, line 28, delete "the address" and substitute "the name, address"

AND

Page 4, line 34, delete "canvasser if" and substitute "canvasser on a statewide initiative or referendum petition if"

AND

Page 5, line 9, delete "Class D felony" and substitute "Class A misdemeanor"

AND

Page 5, line 19, delete "Accepts money" and substitute "Accepts or pays money"

AND

Page 5, line 20, delete "notary,"

AND

Page 5, line 21, delete "he or she" and substitute "the person acting as a canvasser"

AND

Page 6, line 3, delete "grounds" and substitute "basis"

AND

Page 6, line 4, delete "the suspected" and substitute "suspecting"

AND

Immediately following SECTION 8, add an additional section to read as follows:

"SECTION 9. Arkansas Code § 7-9-107(e) and (f), concerning the approval and publication of ballot titles and popular names of petitions before circulation, are repealed.

~~(e)(1)(A) If a sponsor of any proposed statewide initiative elects to submit its popular name and ballot title to the Attorney General for certification prior to September 30 of the year preceding the year in which the initiative would be voted on, then, within ten (10) days of certification by the Attorney General, who shall deliver such certification to the Secretary of State on the day of certification, the Secretary of State shall approve and certify the sufficiency of such popular name and ballot title as certified by the Attorney General and shall cause to be published in a newspaper with statewide circulation the entire proposal with its certified popular name and ballot title and a notice informing the public of such certification and the procedure identified in this section to govern any party who may contest such certification before the Supreme Court.~~

~~(B) The procedure shall be as follows:~~

~~(i) Any legal action against such certification shall be filed with the Supreme Court within forty-five (45) days of the Secretary of State's publication;~~

~~(ii) No such action filed later than forty-five (45) days following publication shall be heard by the Supreme Court; and~~

~~(iii) An action timely filed shall be advanced by the Supreme Court as a matter of public interest over all other civil cases except contested election cases and shall be heard and decided expeditiously.~~

~~(2) Nothing in this section shall be taken to require any sponsor of a statewide initiative to submit its popular name and ballot title to the Attorney General prior to September 30 of the year preceding the year in which the proposal would be voted on. If the Secretary of State refuses to act as required in this section or if the sponsors feel aggrieved at his or her acts in such premises, they may, by petition, apply to the Supreme Court for proper relief.~~

~~(3) Whenever the sponsor of any initiative or referendum petition has obtained final approval of its ballot title and popular name, the sponsor shall file such petition with the Secretary of State prior to obtaining signatures on the petition.~~

~~(f) The cost of the initial publication in a newspaper of the text of a statewide initiative and related information as required in subsection (e) of this section shall be paid by the sponsor of the statewide initiative."~~

AND

Page 12, delete lines 32 and 33, and substitute the following:
"more than one (1) notary, or lacks a notary signature or a notary seal;"

AND

Page 13, line 1, delete "title, a" and substitute "title approved by the Attorney General for a statewide initiative, a"

AND

Immediately following SECTION 18, add an additional section to read as follows:

"SECTION 20. Arkansas Code Title 7, Chapter 9, Subchapter 5 is repealed.

~~7-9-501. Purpose.~~

~~The purpose of this subchapter is to provide for the timely and expeditious review of the legal sufficiency of initiative petitions by the Supreme Court.~~

~~7-9-502. Construction.~~

~~(a) The General Assembly declares that this subchapter be construed as a measure to facilitate the provisions of Arkansas Constitution, Amendment 7.~~

~~(b) The General Assembly declares that this subchapter is not intended to expand the jurisdiction of the Supreme Court under Arkansas Constitution, Amendment 7, but is intended to provide a process to timely review the legal sufficiency of a measure in a manner which avoids voter confusion and frustration which occur when measures are stricken from the ballot on the eve of an election on the measure.~~

~~7-9-503. Declaration of sufficiency.~~

~~(a)(1) Any Arkansas taxpayer and voter may submit a written petition to the Secretary of State requesting the determination of legal sufficiency of statewide initiative petitions.~~

~~(2) The petitioner shall notify the sponsor of the measure of the petition for determination by certified mail on the date that it is submitted to the Secretary of State.~~

~~(b) Within thirty (30) days after receipt of the petition for determination, the Secretary of State shall decide and declare, after consultation with the Attorney General, questions on one (1) or both of the following issues:~~

~~(1) Whether the popular name and ballot title of the measure are fair and complete; and~~

~~(2) Whether the measure, if subsequently approved by the electorate, would violate any state constitutional provision or any federal constitutional, statutory, or regulatory provision or would be invalid for any other reason.~~

~~(c) The declaration shall be in writing and shall be mailed to the petitioner and the sponsor of the measure by certified mail on the date that it is issued.~~

~~(d) The scope of review authorized by this subchapter shall be strictly limited to the questions referred to in subsection (b) of this section and shall not include questions regarding the sufficiency or validity of signatures on the initiative petitions.~~

~~7-9-504. Cure by correction or amendment.~~

~~(a) If the Secretary of State declares the initiative petition legally insufficient, the sponsors of such measure may attempt to cure the insufficiency by correction or amendment, as provided in Arkansas Constitution, Amendment 7.~~

~~(b) Within fifteen (15) days after a correction or amendment is filed with the Secretary of State, the Secretary of State shall notify the petitioner and sponsor of the measure of this declaration by certified mail on the date that it is issued.~~

~~7-9-505. Right of review.~~

~~The petitioner, the sponsor of the measure, and any Arkansas taxpayer and voter shall have the immediate right to petition the Supreme Court to review the determination of the Secretary of State regarding the sufficiency of the initiative petition.~~

~~7-9-506. Effect on existing petition.~~

~~(a)(1) This subchapter shall be applicable to any initiative petition which has received the approval of the Attorney General and has been filed with the Secretary of State, pursuant to § 7-9-107, as of March 25, 1999.~~

~~(2) The Secretary of State shall review all initiative petitions approved by the Attorney General within two (2) months after March 25, 1999.~~

~~(3) If this review is not completed within the stated period, the initiative petition will be presumed sufficient and subject to immediate review by the Supreme Court.~~

~~(b) In addition, this subchapter shall be applicable to all initiative petitions submitted to the Attorney General after March 25, 1999."~~

AND

Page 14, line 9, delete "an initiative" and substitute "a statewide initiative"

AND

Page 14, line 20, delete "Secretary of State for canvassers" and substitute "State Board of Election Commissioners for paid canvassers"

AND

Page 14, line 22, delete "canvasser" and substitute "paid canvasser"

AND

Page 14, line 22, delete "submit to" and substitute "submit in person or by mail to"

AND

Page 15, line 3, delete "Secretary of State" and substitute "State Board of Election Commissioners"

AND

Page 15, line 9, delete "days" and substitute "business days"

AND

Page 15, line 10, delete "canvasser" and substitute "paid canvasser"

AND

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Page 15, line 12, delete "petition." and substitute "petition for a period of two (2) years following the date of registration."

AND

Page 15, line 14, delete "canvasser" and substitute "paid canvasser"

AND

Page 15, line 15, delete "signatures before" and substitute "signatures as a paid canvasser before"

AND

Page 15, line 16, delete "any petition" and substitute "a petition for which the canvasser is paid"

AND

Page 15, line 25, delete "canvasser" and substitute "paid canvasser"

AND

Page 15, line 30, delete "(b)(1) A person" and substitute "(b) A paid canvasser"

AND

Page 15, line 31, delete "the person is registered as a canvasser for each petition" and substitute "the paid canvasser is registered as a paid canvasser for each petition for which the canvasser is paid"

AND

Page 15, delete lines 32 through 36

AND

Page 16, delete lines 1 through 6

AND

Page 16, line 8, delete "7-9-604" and substitute "7-9-603"

AND

Page 16, line 9, delete "canvasser" and substitute "paid canvasser"

AND

Page 16, line 15, delete "; or" and substitute "¡:"

AND

Page 16, delete line 17, and substitute the following:
termination to the Secretary of State; or

(4) The sponsors using a paid canvasser notify the Secretary of State in writing that the person is no longer authorized to act as a paid canvasser with respect to the petition.

AND

Page 16, line 19, delete "canvasser" and substitute "paid canvasser"

AND

Page 16, line 23, delete ";" and substitute "; or"

AND

Page 16, line 26, delete "; or" and substitute ";

AND

Page 16, delete lines 27 through 31

AND

Appropriately renumber the sections of the bill

(SIGNED) SENATOR KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
 EIGHTY-NINTH GENERAL ASSEMBLY
 REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 821

Amend **Senate Bill No. 821** as engrossed, S3/12/13:

Add Senators Maloch, R. Thompson as cosponsors of the bill

(SIGNED) SENATOR KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 821 was ordered engrossed.

On motion of Senator Ingram, Senate Bill No. 822 was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

Amendment No. 2 to SENATE BILL NO. 822

Amend Senate Bill No. 822 as engrossed, S3/18/13:

Page 2, line 9, delete "made during" and substitute "made by the committee or on behalf of the committee by an advertising agency, public relations firm, or political consultant during"

AND

Page 3, line 16, delete "made during" and substitute "made by the individual person or on behalf of the individual person by an advertising agency, public relations firm, or political consultant during"

AND

Page 3, line 19, delete "question." and substitute "question.; and"

AND

Page 3, line 20, delete "servant or" and substitute "servant using public funds or"

AND

Page 3, line 22, delete "made during" and substitute "made by the public servant using public funds or governmental body using public funds or on behalf of the public servant using public funds or governmental body using public funds by an advertising agency, public relations firm, or political consultant during"

AND

Page 3, line 27, delete "made," and substitute "made by the committee, individual person, public servant using public funds, or governmental body using public funds or on behalf of the committee, individual person, public servant using public funds, or governmental body using public funds by an advertising agency, public relations firm, or political consultant,"

(SIGNED) SENATOR KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 822 was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 838** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 838

Amend **Senate Bill No. 838** as originally introduced:

Add Representative Dale as a cosponsor of the bill

AND

Page 4, delete lines 22 through 36 and substitute the following:

"(b)(1) The board shall select the chief investment officer within the Treasurer of State's office based upon nominations received from the Treasurer of State.

(2) The chief investment officer shall:

(A) Be employed by the board;

(B) Work with and at the direction of the Treasurer of State consistent

with the policies and directives of the board; and"

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 838 was ordered engrossed.

On motion of Senator Ingram, Senate Bill No. 1023 was withdrawn from the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1023

Amend Senate Bill No. 1023 as originally introduced:

Page 2, delete Lines 9 through 12 and substitute the following:

"(b)(1) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under § 27-14-601(a)(3)(G)(ii) for the fiscal year ending June 30, 2014, shall be deposited into the State Treasury to the credit of the fund as special revenues.

(2) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under § 27-14-601(a)(3)(G)(ii) shall be deposited into the State Treasury to the credit of the fund as special revenues.

(3) The fund shall also consist of any other revenues as may be"

AND

Page 3, delete Lines 21 through 23 and substitute the following:

"(i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014;

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section; and

(iii) That portion of the fee declared to be a permit"

AND

Page 3, delete Lines 25 through 28 and substitute the following:

"(B)(i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014, shall be classified as special revenues and shall be deposited in the State Treasury.

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section shall be classified as special revenues and shall be deposited in the State Treasury.

(iii) The Treasurer of State shall transfer on the"

AND

Page 4, delete Line 6 and substitute the following:

"state highway system.

SECTION 5. EFFECTIVE DATE. This Act becomes effective on October 1, 2013."

(SIGNED) SENATOR KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1023 was ordered engrossed.

On motion of Senator Ingram, **Senate Bill No. 1029** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 1029

Amend **Senate Bill No. 1029** as engrossed, S3/18/13:

Page 2, line 2, delete "(B)" and substitute "(B)(i)"

AND

Page 2, delete line 3 and substitute the following:

"criminal background check.

(ii) Payment of the fees shall be remitted to the Secretary of State or the county clerk by check as defined under § 4-3-104 made payable to the Department of Arkansas State Police."

AND

Page 2, line 20, delete "waiver and fee," and substitute "waiver,"

AND

Page 2, delete line 34 and substitute the following:

"(e)(1)(A) Except as provided under subdivision (e)(1)(B) of this section, if the candidate's criminal background check results are returned"

AND

Page 2, delete line 36 and substitute the following:

"an offense under subsection (a) of this section,"

AND

Page 3, delete line 1 and substitute the following:

"the Secretary of State or county clerk promptly shall:"

AND

Page 3, line 2, delete "(A)" and substitute "(i)"

AND

Page 3, line 3, delete "(i)" and substitute "(a)"

AND

Page 3, line 4, delete "(ii)" and substitute "(b)"

AND

Page 3, line 6, delete "(B)" and substitute "(ii)"

AND

Page 3, line 10, delete "(C)" and substitute "(iii)"

AND

Page 3, delete line 11 and substitute the following:

"or she chooses.

(B) If the candidate filed for office with the county clerk:

(i) The Secretary of State promptly shall provide a copy of the criminal background check results for the candidate to the county clerk; and

(ii) The county clerk shall perform the functions under subdivision (e)(1)(A) of this section."

AND

Page 3, line 12, delete "The documents" and substitute "All documents"

AND

Page 3, line 21 add the following:

"(f) This section does not apply to candidates for United States Presidential, Vice Presidential, or Congressional office."

(SIGNED) SENATOR KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1029 was ordered engrossed.

On motion of Senator English, **Senate Bill No. 1066** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1066

Amend **Senate Bill No. 1066** as originally introduced:

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code Title 19, Chapter 11, is amended to add an additional subchapter to read as follows:

Subchapter 14 — Transparency in Private Attorney Contracting Act

19-11-1401. Title.

This subchapter shall be known and may be cited as the "Transparency in Private Attorney Contracting Act".

19-11-1402. Definitions.

As used in this subchapter:

(1) "Government attorney" means an attorney for the state who serves as a staff attorney in the Attorney General's office;

(2) "Out-of-state attorney" means an attorney who is not a private Arkansas attorney;

(3) "Private Arkansas attorney" means a private attorney who is licensed in Arkansas and whose primary office and practice is in Arkansas;

(4) "Private attorney" means a private attorney licensed in any state or law firm doing business in any state; and

(5) "State" means the State of Arkansas and state officers, departments, boards, commissions, divisions, bureaus, councils, other units of organization of the executive branch of state government, and any agents thereof.

19-11-1403. Procurement.

(a)(1) Subject to § 25-16-702, the state may enter into a contingency fee contract with a private attorney only after the Attorney General makes a written determination before the state enters into the contract that contingency-fee representation is both cost effective and in the public interest.

(2) A written determination by the Attorney General under subdivision (a)(1) of this section shall include specific findings for each of the following factors:

(A) Whether there exists sufficient and appropriate legal and financial resources within the Attorney General's office to handle the matter;

(B) The time and labor required;

(C) The novelty, complexity, and difficulty of the questions involved;

(D) The skill requisite to perform the attorney services properly;

(E) The geographic area in which the attorney services are to be

provided; and

(F) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

(b) If the Attorney General makes a written determination under subsection (a) of this section, the Attorney General shall request proposals from private attorneys to represent the state on a contingency-fee basis unless the Attorney General determines that requesting proposals is not feasible under the circumstances and states the basis for his or her determination in writing.

(c) If one (1) or more proposals are submitted by private Arkansas attorneys and one (1) or more proposals are submitted by out-of-state attorneys, the state shall give preference to the proposals from private Arkansas attorneys.

(d)(1) The state shall not enter into a contingency-fee contract that provides for a private attorney to receive an aggregate contingency fee that exceeds the sum of the following:

(A) Twenty-five percent (25%) of any damages up to ten million dollars (\$10,000,000);

(B) Twenty percent (20%) of any damages between ten million dollars (\$10,000,000) and fifteen million dollars (\$15,000,000);

(C) Fifteen percent (15%) of any damages between fifteen million dollars (\$15,000,000) and twenty million dollars (\$20,000,000);

(D) Ten percent (10%) of any damages between twenty million dollars (\$20,000,000) and twenty-five million dollars (\$25,000,000); and

(E) Five percent (5%) of any damages exceeding twenty-five million dollars (\$25,000,000).

(2) The aggregate contingency fee allowed under subdivision (d)(1) of this section shall not exceed fifty million dollars (\$50,000,000), exclusive of reasonable costs and expenses, regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

(e) A contingency fee under this section shall not be based on penalties or fines awarded or any amounts attributable to penalties or fines.

(f) The state shall not enter into a contract for attorney services on a contingency-fee basis unless the following provisions are included in the contingency-fee contract and apply through the contract period and any extensions of the contract period:

(1) The relevant government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall be personally involved in overseeing the litigation;

(3) The relevant government attorneys shall retain veto power over any decisions made by contingency-fee counsel;

(4) Any defendant that is the subject of the litigation may contact the lead government attorneys directly without having to confer with contingency-fee counsel;

(5) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(6) Decisions regarding settlement of the case are exclusively in the discretion of the relevant government attorneys and the state.

(g) The Attorney General shall develop a standard addendum to each contract for attorney services on a contingency-fee basis that shall be used in all cases and shall describe in detail the responsibilities of the contracted private attorney and the state, including without limitation the provisions required under subsection (f) of this section.

(h)(1) A copy of each executed contingency-fee contract and the Attorney General's written determination to enter into the contingency-fee contract with the private attorney shall be posted on the Attorney General's website for public inspection within five (5) business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency-fee contract, including any extensions of or amendments to the contingency-fee contract.

(2) Each payment of a contingency fee shall be posted on the Attorney General's website within fifteen (15) days after the payment of the contingency fee to the private attorney and shall remain posted on the website for at least one (1) year.

19-11-1404. Recordkeeping and reporting.

(a)(1) A private attorney under contract to provide services to the state on a contingency-fee basis shall maintain, from the inception of the contract until at least four (4) years after the contract expires or is terminated, detailed current records, including without limitation documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of attorney services under the contingency-fee contract.

(2) The private attorney shall make the records maintained under subdivision (a)(1) of this section available for inspection and copying upon request in accordance with the Freedom of Information Act of 1967, § 25-19-101 et seq.

(3) A private attorney under contract to provide services to the state on a contingency-fee basis and any attorneys engaged to consult or assist the private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter and shall promptly provide these records to the Attorney General upon request.

(b)(1) By February 1 of each year, the Attorney General shall submit a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives describing the use of contingency-fee contracts with private attorneys in the preceding calendar year.

(2) At a minimum, the report required under subdivision (b)(1) of this section shall:

(A) Identify all new contingency-fee contracts entered into during the year and all previously executed contingency-fee contracts that remain current during any part of the year, including the following information for each contingency-fee contract:

- (i) The name of the private attorney with whom the state has contracted, including the name of the attorney's law firm;
- (ii) The name of any private attorney, including the name of the attorney's law firm, who:
 - (a) Has associated with the private attorney with whom the state has contracted; and
 - (b) Has been engaged to consult or assist on the case for which the private attorney entered into a contingency-fee contract with the state;
 - (iii) The nature and status of the legal matter;
 - (iv) The name of the parties to the legal matter;
 - (v) The amount of any recovery; and
 - (vi) The amount of any contingency fee paid; and

(B) Include copies of any written determinations made under subsections (a) and (b) of this section during the year.

19-11-1405. Association with other counsel.

(a) With the written consent of the Attorney General, a private attorney entering into a contingency-fee contract may associate other counsel, including an out-of-state attorney, to consult or assist on the case for which the state contracted with the private attorney.

(b) An association under subsection (a) of this section is governed by the fee schedule and the aggregate fee limits stated in § 19-11-1403(d).

(c) A private attorney associated with a private attorney who has entered a contingency-fee contract with the state shall be subject to the recordkeeping requirements of § 19-11-1404(a).

19-11-1406. Construction.

This subchapter does not expand the authority of the state to enter into a contract that the state does not otherwise have the authority to execute.

SECTION 2. Arkansas Code § 25-16-702(b)(2), concerning the duties of the Attorney General, is amended to read as follows:

(2)(A) If, in the opinion of the Attorney General, it shall at any time be is necessary to employ special counsel to prosecute any a suit brought on behalf of the state or to defend a suit brought against any an official, board, commission, or agency of the state, the Attorney General, with the approval of the Governor, may employ special counsel.

(B) The compensation for the special counsel employed under subdivision (b)(2)(A) of this section shall be fixed by the court where the litigation is pending, with the written approval of the Governor and the Attorney General.

(C) The Attorney General shall not enter into any a contract for the employment of outside legal counsel without first seeking prior review by the Legislative Council.

(D) A contingency-fee contract with outside legal counsel is subject to the Transparency in Private Attorney Contracting Act, § 19-11-1401 et seq."

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1066 was ordered engrossed.

On motion of Senator Files, Senate Bill No. 1071 was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1071

Amend Senate Bill No. 1071 as originally introduced:

Add Senator Bledsoe as a cosponsor of the bill

AND

Add Representatives Vines, Wren, S. Malone, Biviano, Branscum, Broadway, Cozart, Lea, Shepherd, Wright as cosponsors of the bill

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1071 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 1095** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 1095

Amend **Senate Bill No. 1095** as engrossed, S3/18/13:

Page 1, delete lines 29 through 36 and substitute:

"SECTION 2. DO NOT CODIFY. Meetings established.

(a) The Department of Community Correction is directed to convene joint sessions with the Department of Correction, Arkansas Economic Development Commission, Department of Education, Department of Higher Education, Department of Career Education, Department of Workforce Services, Department of Human Services, Department of Finance and Administration, the Parole Board, the Arkansas Prosecuting Attorneys Association, the Arkansas Public Defender Commission, as well as criminal defense attorneys and any other state, county, or local agency as appropriate to discuss the goals of this act. All invited agencies shall participate.

(b) The Department of Community Correction also shall involve the private sector by engaging groups such as chambers of commerce, labor unions, faith-based organizations, foundations with an interest in a reentry system, literacy groups, advocates for systemic reentry, and any other private sector groups as appropriate to discuss the goals of this act."

AND

Page 2, delete lines 1 through 6

AND

Page 2, line 9, delete "Department of Correction" and substitute "Department of Community Correction"

(SIGNED) SENATOR JOYCE ELLIOTT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1095 was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 1106** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1106

Amend **Senate Bill No. 1106** as originally introduced:

Page 1, delete lines 28 through 31 and substitute the following:
"under § 23-68-126(b)(1) as the expenses of the liquidation through and after its closing;
and

(2) Amounts reserved to the extent necessary for distribution"

AND

Page 1, delete line 36

AND

Page 2, delete line 1

AND

Page 2, line 2, delete "(B)" and substitute "(A)"

AND

Page 2, line 4, delete "(C)" and substitute "(B)"

AND

Page 2, delete lines 8 through 13 and substitute the following:

"(c)(1) Where sufficient distributable assets are available, amounts advanced need not be limited to the claims and expenses paid to date by the guaranty associations.

(2) However, the liquidator shall not distribute distributable assets to the guaranty associations in excess of the anticipated entire claims of the guaranty associations falling within the priority classes of claims established in § 23-68-126(b)(1) and (2)."

AND

Page 2, line 25, delete "statement; and" and substitute "statement;"

AND

Page 2, line 26, delete "(3)(A)" and substitute "(3)"

AND

Page 2, line 29, delete "insurer." and substitute "insurer; and"

AND

Page 2, line 30, delete "(B)" and substitute "(4)"

AND

Page 3, delete lines 20 through 23 and substitute the following:

"(h) Each guaranty association that receives any payments pursuant to this section agrees, upon depositing the payment in any account to its benefit, to return to the liquidator any amount of these payments that may be required to pay claims of secured creditors and claims falling within the priority classes of claims established in § 23-68-126(b)(1) and (2)."

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1106 was ordered engrossed.

On motion of Senator Chesterfield, [Senate Bill No. 1147](#) was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 2 to SENATE BILL NO. 1147](#)

Amend [Senate Bill No. 1147](#) as engrossed, S3/19/13:

Add Senators Elliott, J. Key as cosponsors of the bill

AND

Add Representative McLean as a cosponsor of the bill

(SIGNED) SENATOR LINDA CHESTERFIELD

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Bill No. 1147](#) was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 1170** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 1170

Amend **Senate Bill No. 1170** as originally introduced:

Delete the title in its entirety and substitute:

"AN ACT TO ADOPT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO ADOPT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT."

AND

Delete everything after the enactment clause and substitute:

"SECTION 1. DO NOT CODIFY. Purpose — Findings — Effective date.

(a) The purpose of this act is to join the other states of the United States that have adopted the Interstate Insurance Product Regulation Compact.

(b) The General Assembly finds that:

(1) Under Article XIII, Paragraph 2, of the compact:

(A) The compact becomes effective and binding upon legislative enactment of the compact into law by two (2) states; and

(B) The Interstate Insurance Product Regulation Commission becomes effective after adoption of the compact by twenty-six (26) states or by states representing greater than forty percent (40%) of the premium volume for life insurance, annuity, disability income, and long-term care insurance products;

(2) Forty (40) states and Puerto Rico have already adopted the compact and represent approximately seventy percent (70%) of the premium volume for life insurance, annuity, disability income, and long-term care insurance products nationwide; and

(3) The State of Arkansas will join the compact on the effective date of this act.

SECTION 2. Arkansas Code Title 23, Chapter 67, is amended to add an additional subchapter to read as follows:

Subchapter 6 — Interstate Insurance Product Regulation Compact

23-67-601. Title.

This subchapter shall be known and may be cited as the "Interstate Insurance Product Regulation Compact".

23-67-602. Adoption of compact.

The Interstate Insurance Product Regulation Compact is enacted into law and entered into with all other jurisdictions legally joining in this compact in the form substantially as follows:

Interstate Insurance Product Regulation Compact

ARTICLE I PURPOSES

The purposes of this Compact are, through means of joint and cooperative action among the Compacting States:

1. To promote and protect the interest of consumers of individual and group annuity, life insurance, disability income and long-term care insurance products;

2. To develop uniform standards for insurance products covered under the Compact;

3. To establish a central clearinghouse to receive and provide prompt review of insurance products covered under the Compact and, in certain cases, advertisements related thereto, submitted by insurers authorized to do business in one or more Compacting States;

4. To give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard;

5. To improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the Compact;

6. To create the Interstate Insurance Product Regulation Commission; and

7. To perform these and such other related functions as may be consistent with the state regulation of the business of insurance.

ARTICLE II DEFINITIONS

For purposes of this Compact:

1. "Advertisement" means any material designed to create public interest in a Product, or induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy, as more specifically defined in the Rules and Operating Procedures of the Commission.

2. "Bylaws" mean those bylaws established by the Commission for its governance, or for directing or controlling the Commission's actions or conduct.

3. "Compacting State" means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.

4. "Commission" means the "Interstate Insurance Product Regulation Commission" established by this Compact.
5. "Commissioner" means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator.
6. "Domiciliary State" means the state in which an Insurer is incorporated or organized; or, in the case of an alien Insurer, its state of entry.
7. "Insurer" means any entity licensed by a State to issue contracts of insurance for any of the lines of insurance covered by this Act.
8. "Member" means the person chosen by a Compacting State as its representative to the Commission, or his or her designee.
9. "Non-compacting State" means any State which is not at the time a Compacting State.
10. "Operating Procedures" mean procedures promulgated by the Commission implementing a Rule, Uniform Standard or a provision of this Compact.
11. "Product" means the form of a policy or contract, including any application, endorsement, or related form which is attached to and made a part of the policy or contract, and any evidence of coverage or certificate, for an individual or group annuity, life insurance, disability income or long-term care insurance product that an Insurer is authorized to issue.
12. "Rule" means a statement of general or particular applicability and future effect promulgated by the Commission, including a Uniform Standard developed pursuant to Article VII of this Compact, designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of the Commission, which shall have the force and effect of law in the Compacting States.
13. "State" means any state, district or territory of the United States of America.
14. "Third-Party Filer" means an entity that submits a Product filing to the Commission on behalf of an Insurer.
15. "Uniform Standard" means a standard adopted by the Commission for a Product line, pursuant to Article VII of this Compact, and shall include all of the Product requirements in aggregate; provided, that each Uniform Standard shall be construed, whether express or implied, to prohibit the use of any inconsistent, misleading or ambiguous provisions in a Product and the form of the Product made available to the public shall not be unfair, inequitable or against public policy as determined by the Commission.

ARTICLE III ESTABLISHMENT OF THE COMMISSION AND VENUE

1. The Compacting States hereby create and establish a joint public agency known as the "Interstate Insurance Product Regulation Commission." Pursuant to Article IV, the Commission will have the power to develop Uniform Standards for Product lines, receive and provide prompt review of Products filed therewith, and give approval to those Product filings satisfying applicable Uniform Standards; provided, it is not intended for the Commission to be the exclusive entity for receipt and review of insurance product filings. Nothing herein shall prohibit any Insurer from filing its product in any State wherein the Insurer is licensed to conduct the business of insurance; and any such filing shall be subject to the laws of the State where filed.
2. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.
3. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.
4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a Court of competent jurisdiction where the principal office of the Commission is located.

ARTICLE IV
POWERS OF THE COMMISSION

The Commission shall have the following powers:

1. To promulgate Rules, pursuant to Article VII of this Compact, which shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in this Compact;
2. To exercise its rule-making authority and establish reasonable Uniform Standards for Products covered under the Compact, and Advertisement related thereto, which shall have the force and effect of law and shall be binding in the Compacting States, but only for those Products filed with the Commission, provided, that a Compacting State shall have the right to opt out of such Uniform Standard pursuant to Article VII, to the extent and in the manner provided in this Compact, and, provided further, that any Uniform Standard established by the Commission for long-term care insurance products may provide the same or greater protections for consumers as, but shall not provide less than, those protections set forth in the National Association of Insurance Commissioners' Long-Term Care Insurance Model Act and Long-Term Care Insurance Model Regulation, respectively, adopted as of 2001. The Commission shall consider whether any subsequent amendments to the NAIC Long-Term Care Insurance Model Act or Long-Term Care Insurance Model Regulation adopted by the NAIC require amending of the Uniform Standards established by the Commission for long-term care insurance products;
3. To receive and review in an expeditious manner Products filed with the Commission, and rate filings for disability income and long-term care insurance Products, and give approval of those Products and rate filings that satisfy the applicable Uniform Standard, where such approval shall have the force and effect of law and be binding on the Compacting States to the extent and in the manner provided in the Compact;
4. To receive and review in an expeditious manner Advertisement relating to long-term care insurance products for which Uniform Standards have been adopted by the Commission, and give approval to all Advertisement that satisfies the applicable Uniform Standard. For any product covered under this Compact, other than long-term care insurance products, the Commission shall have the authority to require an insurer to submit all or any part of its Advertisement with respect to that product for review or approval prior to use, if the Commission determines that the nature of the product is such that an Advertisement of the product could have the capacity or tendency to mislead the public. The actions of the Commission as provided in this section shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in the Compact;
5. To exercise its rule-making authority and designate Products and Advertisement that may be subject to a self-certification process without the need for prior approval by the Commission.
6. To promulgate Operating Procedures, pursuant to Article VII of this Compact, which shall be binding in the Compacting States to the extent and in the manner provided in this Compact;
7. To bring and prosecute legal proceedings or actions in its name as the Commission; provided, that the standing of any state insurance department to sue or be sued under applicable law shall not be affected;
8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;
9. To establish and maintain offices;
10. To purchase and maintain insurance and bonds;

11. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State;

12. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications; and to establish the Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

13. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

14. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

15. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

16. To remit filing fees to Compacting States as may be set forth in the Bylaws, Rules or Operating Procedures;

17. To enforce compliance by Compacting States with Rules, Uniform Standards, Operating Procedures and Bylaws;

18. To provide for dispute resolution among Compacting States;

19. To advise Compacting States on issues relating to Insurers domiciled or doing business in Non-compacting jurisdictions, consistent with the purposes of this Compact;

20. To provide advice and training to those personnel in state insurance departments responsible for product review, and to be a resource for state insurance departments;

21. To establish a budget and make expenditures;

22. To borrow money;

23. To appoint committees, including advisory committees comprising Members, state insurance regulators, state legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in the Bylaws;

24. To provide and receive information from, and to cooperate with law enforcement agencies;

25. To adopt and use a corporate seal; and

26. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of the business of insurance.

ARTICLE V ORGANIZATION OF THE COMMISSION

1. Membership, Voting and Bylaws

a. Each Compacting State shall have and be limited to one Member. Each Member shall be qualified to serve in that capacity pursuant to applicable law of the Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists. Nothing herein shall be construed to affect the manner in which a Compacting State determines the election or appointment and qualification of its own Commissioner.

b. Each Member shall be entitled to one vote and shall have an opportunity to participate in the governance of the Commission in accordance with the Bylaws. Notwithstanding any provision herein to the contrary, no action of the Commission with respect to the promulgation of a Uniform Standard shall be effective unless two-thirds (2/3) of the Members vote in favor thereof.

c. The Commission shall, by a majority of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the Compact, including, but not limited to:

- i. Establishing the fiscal year of the Commission;
- ii. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the Management Committee;
- iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of other committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;
- iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consists of a majority of Commission members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting en toto or in part. As soon as practicable, the Commission must make public (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting;
- v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
- vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
- vii. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and
- viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

d. The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.

2. Management Committee, Officers and Personnel

a. A Management Committee comprising no more than fourteen (14) members shall be established as follows:

- i. One (1) member from each of the six (6) Compacting States with the largest premium volume for individual and group annuities, life, disability income and long-term care insurance products, determined from the records of the NAIC for the prior year;
- ii. Four (4) members from those Compacting States with at least two percent (2%) of the market based on the premium volume described above, other than the six (6) Compacting States with the largest premium volume, selected on a rotating basis as provided in the Bylaws; and
- iii. Four (4) members from those Compacting States with less than two percent (2%) of the market, based on the premium volume described above, with one (1) selected from each of the four (4) zone regions of the NAIC as provided in the Bylaws.

b. The Management Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:

- i. Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;
- ii. Establishing and overseeing an organizational structure within, and appropriate procedures for, the Commission to provide for the creation of Uniform Standards and other Rules, receipt and review of product filings, administrative and technical support functions, review of decisions regarding the disapproval of a product filing, and the review of elections made by a Compacting State to opt out of a Uniform Standard; provided that a Uniform Standard shall not be submitted to the Compacting

States for adoption unless approved by two-thirds (2/3) of the members of the Management Committee;

iii. Overseeing the offices of the Commission; and

iv. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Commission.

c. The Commission shall elect annually officers from the Management Committee, with each having such authority and duties, as may be specified in the Bylaws.

d. The Management Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission.

3. Legislative and Advisory Committees

a. A legislative committee comprising state legislators or their designees shall be established to monitor the operations of, and make recommendations to, the Commission, including the Management Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Management Committee shall consult with and report to the legislative committee.

b. The Commission shall establish two (2) advisory committees, one of which shall comprise consumer representatives independent of the insurance industry, and the other comprising insurance industry representatives.

c. The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.

4. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

5. Qualified Immunity, Defense and Indemnification

a. The Members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of that person.

b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful and wanton misconduct.

c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided, that the actual

or alleged act, error or omission did not result from the intentional or willful and wanton misconduct of that person.

ARTICLE VI MEETINGS AND ACTS OF THE COMMISSION

1. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Members' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

ARTICLE VII RULES AND OPERATING PROCEDURES: RULEMAKING FUNCTIONS OF THE COMMISSION AND OPTING OUT OF UNIFORM STANDARDS

1. Rulemaking Authority. The Commission shall promulgate reasonable Rules, including Uniform Standards, and Operating Procedures in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

2. Rulemaking Procedure. Rules and Operating Procedures shall be made pursuant to a rulemaking process that conforms to the Model State Administrative Procedure Act of 1981 as amended, as may be appropriate to the operations of the Commission. Before the Commission adopts a Uniform Standard, the Commission shall give written notice to the relevant state legislative committee(s) in each Compacting State responsible for insurance issues of its intention to adopt the Uniform Standard. The Commission in adopting a Uniform Standard shall consider fully all submitted materials and issue a concise explanation of its decision.

3. Effective Date and Opt Out of a Uniform Standard. A Uniform Standard shall become effective ninety (90) days after its promulgation by the Commission or such later date as the Commission may determine; provided, however, that a Compacting State may opt out of a Uniform Standard as provided in this Article. "Opt out" shall be defined as any action by a Compacting State to decline to adopt or participate in a promulgated Uniform Standard. All other Rules and Operating Procedures, and amendments thereto, shall become effective as of the date specified in each Rule, Operating Procedure or amendment.

4. Opt Out Procedure. A Compacting State may opt out of a Uniform Standard, either by legislation or regulation duly promulgated by the Insurance Department under the Compacting State's Administrative Procedure Act. If a Compacting State elects to opt out of a Uniform Standard by regulation, it must (a) give written notice to the Commission no later than ten (10) business days after the Uniform Standard is promulgated, or at the time the State becomes a Compacting State and (b) find that the Uniform Standard does not provide reasonable protections to the citizens of the State, given the conditions in the State. The Commissioner shall make specific findings of fact and conclusions of law, based on a preponderance of the evidence, detailing the conditions in the State which warrant a

departure from the Uniform Standard and determining that the Uniform Standard would not reasonably protect the citizens of the State. The Commissioner must consider and balance the following factors and find that the conditions in the State and needs of the citizens of the State outweigh: (i) the intent of the legislature to participate in, and the benefits of, an interstate agreement to establish national uniform consumer protections for the Products subject to this Act; and (ii) the presumption that a Uniform Standard adopted by the Commission provides reasonable protections to consumers of the relevant Product.

Notwithstanding the foregoing, a Compacting State may, at the time of its enactment of this Compact, prospectively opt out of all Uniform Standards involving long-term care insurance products by expressly providing for such opt out in the enacted Compact, and such an opt out shall not be treated as a material variance in the offer or acceptance of any State to participate in this Compact. Such an opt out shall be effective at the time of enactment of this Compact by the Compacting State and shall apply to all existing Uniform Standards involving long-term care insurance products and those subsequently promulgated.

5. Effect of Opt Out. If a Compacting State elects to opt out of a Uniform Standard, the Uniform Standard shall remain applicable in the Compacting State electing to opt out until such time the opt out legislation is enacted into law or the regulation opting out becomes effective.

Once the opt out of a Uniform Standard by a Compacting State becomes effective as provided under the laws of that State, the Uniform Standard shall have no further force and effect in that State unless and until the legislation or regulation implementing the opt out is repealed or otherwise becomes ineffective under the laws of the State. If a Compacting State opts out of a Uniform Standard after the Uniform Standard has been made effective in that State, the opt out shall have the same prospective effect as provided under Article XIV for withdrawals.

6. Stay of Uniform Standard. If a Compacting State has formally initiated the process of opting out of a Uniform Standard by regulation, and while the regulatory opt out is pending, the Compacting State may petition the Commission, at least fifteen (15) days before the effective date of the Uniform Standard, to stay the effectiveness of the Uniform Standard in that State. The Commission may grant a stay if it determines the regulatory opt out is being pursued in a reasonable manner and there is a likelihood of success. If a stay is granted or extended by the Commission, the stay or extension thereof may postpone the effective date by up to ninety (90) days, unless affirmatively extended by the Commission; provided, a stay may not be permitted to remain in effect for more than one (1) year unless the Compacting State can show extraordinary circumstances which warrant a continuance of the stay, including, but not limited to, the existence of a legal challenge which prevents the Compacting State from opting out. A stay may be terminated by the Commission upon notice that the rulemaking process has been terminated.

7. Not later than thirty (30) days after a Rule or Operating Procedure is promulgated, any person may file a petition for judicial review of the Rule or Operating Procedure; provided, that the filing of such a petition shall not stay or otherwise prevent the Rule or Operating Procedure from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule or Operating Procedure to be unlawful if the Rule or Operating Procedure represents a reasonable exercise of the Commission's authority.

ARTICLE VIII COMMISSION RECORDS AND ENFORCEMENT

1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals and insurers' trade secrets. The Commission may promulgate additional Rules under which it may make available to federal and state agencies, including law enforcement agencies, records and information otherwise

exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Commissioner of the duty to disclose any relevant records, data or information to the Commission; provided, that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement; and further provided, that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Commissioner.

3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws, Rules, including Uniform Standards, and Operating Procedures. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws, Rules or Operating Procedures. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

4. The Commissioner of any State in which an Insurer is authorized to do business, or is conducting the business of insurance, shall continue to exercise his or her authority to oversee the market regulation of the activities of the Insurer in accordance with the provisions of the State's law. The Commissioner's enforcement of compliance with the Compact is governed by the following provisions:

a. With respect to the Commissioner's market regulation of a Product or Advertisement that is approved or certified to the Commission, the content of the Product or Advertisement shall not constitute a violation of the provisions, standards or requirements of the Compact except upon a final order of the Commission, issued at the request of a Commissioner after prior notice to the Insurer and an opportunity for hearing before the Commission.

b. Before a Commissioner may bring an action for violation of any provision, standard or requirement of the Compact relating to the content of an Advertisement not approved or certified to the Commission, the Commission, or an authorized Commission officer or employee, must authorize the action. However, authorization pursuant to this paragraph does not require notice to the Insurer, opportunity for hearing or disclosure of requests for authorization or records of the Commission's action on such requests.

ARTICLE IX DISPUTE RESOLUTION

The Commission shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, or between Compacting States and Non-compacting States, and the Commission shall promulgate an Operating Procedure providing for resolution of such disputes.

ARTICLE X PRODUCT FILING AND APPROVAL

1. Insurers and Third-Party Filers seeking to have a Product approved by the Commission shall file the Product with, and pay applicable filing fees to, the Commission. Nothing in this Act shall be construed to restrict or otherwise prevent an insurer from filing its Product with the insurance department in any State wherein the insurer is licensed to conduct the business of insurance, and such filing shall be subject to the laws of the States where filed.

2. The Commission shall establish appropriate filing and review processes and procedures pursuant to Commission Rules and Operating Procedures. Notwithstanding any provision herein to the contrary, the Commission shall promulgate Rules to establish conditions and procedures under which the Commission will provide public access to Product filing information. In establishing such Rules, the Commission shall consider the interests of the public in having access to such information, as well as protection of personal medical and financial information and trade secrets, that may be contained in a Product filing or supporting information.

3. Any Product approved by the Commission may be sold or otherwise issued in those Compacting States for which the Insurer is legally authorized to do business.

ARTICLE XI REVIEW OF COMMISSION DECISIONS REGARDING FILINGS

1. Not later than thirty (30) days after the Commission has given notice of a disapproved Product or Advertisement filed with the Commission, the Insurer or Third Party Filer whose filing was disapproved may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in disapproving a Product or Advertisement filed with the Commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 4.

2. The Commission shall have authority to monitor, review and reconsider Products and Advertisement subsequent to their filing or approval upon a finding that the product does not meet the relevant Uniform Standard. Where appropriate, the Commission may withdraw or modify its approval after proper notice and hearing, subject to the appeal process in Section 1 above.

ARTICLE XII FINANCE

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations, the Commission may accept contributions and other forms of funding from the National Association of Insurance Commissioners, Compacting States and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the Commission concerning the performance of its duties shall not be compromised.

2. The Commission shall collect a filing fee from each Insurer and Third Party Filer filing a product with the Commission to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.

3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VII of this Compact.

4. The Commission shall be exempt from all taxation in and by the Compacting States.

5. The Commission shall not pledge the credit of any Compacting State, except by and with the appropriate legal authority of that Compacting State.

6. The Commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but no less frequently than every three (3) years, the review of the independent auditor shall

include a management and performance audit of the Commission. The Commission shall make an Annual Report to the Governor and legislature of the Compacting States, which shall include a report of the independent audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals and insurers' proprietary information, including trade secrets, shall remain confidential.

7. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.

ARTICLE XIII COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

1. Any State is eligible to become a Compacting State.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two Compacting States; provided, the Commission shall become effective for purposes of adopting Uniform Standards for, reviewing, and giving approval or disapproval of, Products filed with the Commission that satisfy applicable Uniform Standards only after twenty-six (26) States are Compacting States or, alternatively, by States representing greater than forty percent (40%) of the premium volume for life insurance, annuity, disability income and long-term care insurance products, based on records of the NAIC for the prior year. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State.

3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

ARTICLE XIV WITHDRAWAL, DEFAULT, AND TERMINATION

1. Withdrawal

a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; provided, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any product filings approved or self-certified, or any Advertisement of such products, on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Withdrawing State as provided in Paragraph e of this section.

c. The Commissioner of the Withdrawing State shall immediately notify the Management Committee in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.

e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal, except to the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State. The Commission's approval of Products and Advertisement prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Withdrawing State in the same manner as provided by the laws of the Withdrawing State

for the prospective disapproval of products or advertisement previously approved under state law.

f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.

2. Default

a. If the Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules or Operating Procedures, then, after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.

b. Product approvals by the Commission or product self-certifications, or any Advertisement in connection with such product, that are in force on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this article.

c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.

3. Dissolution of Compact

a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

b. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Bylaws.

ARTICLE XV SEVERABILITY AND CONSTRUCTION

1. The provisions of this Compact shall be severable; and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally construed to effectuate its purposes.

ARTICLE XVI BINDING EFFECT OF COMPACT AND OTHER LAWS

1. Other Laws

a. Nothing herein prevents the enforcement of any other law of a Compacting State, except as provided in Paragraph b of this section.

b. For any Product approved or certified to the Commission, the Rules, Uniform Standards and any other requirements of the Commission shall constitute the exclusive provisions applicable to the content, approval and certification of such Products. For Advertisement that is subject to the Commission's authority, any Rule, Uniform Standard or other requirement of the Commission which governs the content of the Advertisement shall constitute the exclusive provision that a Commissioner may apply to the content of the Advertisement. Notwithstanding the foregoing, no action taken by the

Commission shall abrogate or restrict: (i) the access of any person to state courts; (ii) remedies available under state law related to breach of contract, tort, or other laws not specifically directed to the content of the Product; (iii) state law relating to the construction of insurance contracts; or (iv) the authority of the attorney general of the state, including but not limited to maintaining any actions or proceedings, as authorized by law.

c. All insurance products filed with individual States shall be subject to the laws of those States.

2. Binding Effect of this Compact

a. All lawful actions of the Commission, including all Rules and Operating Procedures promulgated by the Commission, are binding upon the Compacting States.

b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.

c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the Commission may issue advisory opinions regarding the meaning or interpretation in dispute.

d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that Compacting State, and those obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective."

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1170 was ordered engrossed.

On motion of Senator Williams, [Senate Joint Resolution No. 5](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

[Amendment No. 1 to SENATE JOINT RESOLUTION NO. 5](#)

Amend [Senate Joint Resolution No. 5](#) as originally introduced:

Page 1, delete lines 8 and 9 and substitute the following:

"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL DELEGATE NONEXCLUSIVE AUTHORITY TO THE SUPREME COURT TO ADOPT RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE FOR COURTS; TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS THAT SUPERSEDE SUCH RULES, NOTWITHSTANDING THE DELEGATION OF RULEMAKING AUTHORITY TO THE SUPREME COURT; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO SET RIGHTS OF APPEAL AND TO REGULATE BY GENERAL LAWS THE COMPENSATION OR DAMAGES AWARDED BY COURTS AND ADMINISTRATIVE AGENCIES."

AND

Page 1, delete lines 31 through 33 and substitute the following:

"SECTION 1. Section 32 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 32. Workmen's Workers' Compensation Laws — Actions for personal injuries Claims for compensation or damages.

(a) The General Assembly shall have power to enact laws prescribing the remedies to be provided and the amount of compensation to be paid by employers for injuries to or death of employees, and to whom said payment shall be made. It shall have power to provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same. Provided, that otherwise no law shall be enacted limiting the amount to be recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries to persons or property the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

(b) The General Assembly may enact general laws regulating the compensation or damages that may be awarded by courts and administrative agencies, including without limitation noneconomic damages and punitive damages.

SECTION 2. Section 3 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 3. Rules of pleading, practice and procedure.

(a)(1) The General Assembly shall delegate nonexclusive authority to the Supreme Court shall to prescribe the rules of pleading, practice and procedure and the rules of evidence for all courts; provided these rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

(2) Except as expressly delegated by the General Assembly, the Supreme Court has no authority to prescribe rules of pleading, practice, and procedure and rules of evidence for courts.

(b) Notwithstanding the delegation of rulemaking authority, the General Assembly may enact laws that supersede the rules of pleading, practice, and procedure and the rules of evidence for courts.

(c) Rules of pleading, practice, and procedure and rules of evidence in effect on January 1, 2015, continue in effect until amended, superseded, or repealed.

SECTION 3. Section 11 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 11. Right of appeal.

There shall be a right of appeal to an appellate court from the Circuit Courts and other rights of appeal as may be provided by ~~Supreme Court rule or by law.~~

SECTION 4. BALLOT TITLE. (a) The title of this Senate Joint Resolution shall be the ballot title when the proposed amendment is submitted to the electors of the state on the general election ballot.

(b) When presented on the general election ballot, the popular name for this proposed amendment shall be "An Amendment to the Arkansas Constitution Concerning Civil Claims and Court Procedures".

SECTION 5. EFFECTIVE DATE. This amendment is effective on January 1, 2015."

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Joint Resolution No. 5 was ordered engrossed.

On motion of Senator Sample, [Senate Joint Resolution No. 16](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 2, withdraw Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

[Amendment No. 2 to SENATE JOINT RESOLUTION NO. 16](#)

Amend [Senate Joint Resolution No. 16](#) as originally introduced:

Page 1, delete line 10 and substitute the following:

"REFERENDUM; AND PROVIDING CERTAIN REQUIREMENTS FOR THE CORRECTION OR AMENDMENT OF INSUFFICIENT STATE-WIDE PETITIONS."

AND

Page 1, delete lines 30 and 31 and substitute the following:

"SECTION 1. The subsection of Article 5, Section 1, of the Arkansas Constitution titled "Amendment of Petition" is amended to read as follows:

Amendment of Petition. (a)(1) If the Secretary of State, county clerk or city clerk, as the case may be, shall decide any petition to be insufficient, he or she shall without delay notify the ~~spensers~~ sponsors of such petition, and permit at least thirty (30) days from the date of such notification, in the instance of a state-wide petition, or ten (10) days in the instance of a municipal or county petition, for correction or amendment.

(2) For a state-wide petition, correction or amendment of an insufficient petition shall be permitted only if the petition contains valid signatures of legal voters equal to:

(A) At least ninety percent (90%) of the number of state-wide signatures of legal voters required; and

(B) At least ninety percent (90%) of the required number of signatures of legal voters from each of at least fifteen (15) counties of the state.

(b) In the event of legal proceedings to prevent giving legal effect to any petition upon any grounds, the burden of proof shall be upon the person or persons attacking the validity of the petition."

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

[Senate Joint Resolution No. 16](#) was ordered engrossed.

On motion of Senator Woods, **House Bill No. 1933** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1933

Amend **House Bill No. 1933** as originally introduced:

Add Senator J. Woods as a cosponsor of the bill

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1933 was ordered engrossed.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 137, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Sample, **Senate Bill No. 137** was ordered re-referred to the Committee on JOINT RETIREMENT & SOCIAL SECURITY.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 378, BY SENATOR ROBERT THOMPSON,
SENATE BILL NO. 635, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 728, BY SENATOR JOYCE ELLIOTT,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Thompson, **Senate Bill No. 378** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Dismang, **Senate Bill No. 635** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Elliott, **Senate Bill No. 728** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 740, BY SENATOR JANE ENGLISH,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator English, **Senate Bill No. 740** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 821, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 822, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 1029, BY SENATOR KEITH INGRAM,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Ingram, **Senate Bill No. 821** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Ingram, **Senate Bill No. 822** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Ingram, **Senate Bill No. 1029** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1066, BY SENATOR JANE ENGLISH,
SENATE BILL NO. 1095, BY SENATOR JOYCE ELLIOTT,
SENATE JOINT RESOLUTION NO. 5,
BY SENATOR EDDIE JOE WILLIAMS,
SENATE JOINT RESOLUTION NO. 16,
BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator English, **Senate Bill No. 1066** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Elliott, **Senate Bill No. 1095** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Williams, **Senate Joint Resolution No. 5** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Sample, **Senate Joint Resolution No. 16** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 838, BY SENATOR JASON RAPERT,
SENATE BILL NO. 1071, BY SENATOR JAKE FILES,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Rapert, **Senate Bill No. 838** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

On motion of Senator Files, **Senate Bill No. 1071** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1106, BY SENATOR JASON RAPERT,
SENATE BILL NO. 1170, BY SENATOR JASON RAPERT,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Rapert, **Senate Bill No. 1106** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

On motion of Senator Rapert, **Senate Bill No. 1170** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1933, BY REPRESENTATIVE JEFFREY WARDLAW,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Woods, **House Bill No. 1933** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1023, BY SENATOR KEITH INGRAM,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Ingram, **Senate Bill No. 838** was ordered re-referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1147, BY SENATOR LINDA CHESTERFIELD,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

On motion of Senator Chesterfield, **Senate Bill No. 1147** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Irvin, and without objection, the Senate was requested to return **Senate Bill No. 215** for further consideration.

STATE OF ARKANSAS
ARKANSAS SENATE
State Capitol
Little Rock, Arkansas 72201

ANN CORNWELL, DIRECTOR
Secretary of the Senate
State Capitol, Room 320
Little Rock, Arkansas 72201

March 20, 2013

The Honorable Sherri Stacks
Chief Clerk
House of Representatives
State Capitol
Little Rock, AR

Dear Ms. Stacks:

The Senate respectfully requests the return to the Senate, SB215.

Respectfully submitted,

(SIGNED) ANN CORNWELL, Director
Secretary of the Senate

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 41, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 113, BY SENATOR ROBERT THOMPSON,
SENATE BILL NO. 146, BY SENATOR JOHNNY KEY,
SENATE BILL NO. 199, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 232, BY SENATOR JOHNNY KEY, ET AL,
SENATE BILL NO. 422, BY SENATOR BOBBY PIERCE,
SENATE BILL NO. 456, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 457, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 464, BY SENATOR JASON RAPERT,
SENATE BILL NO. 533, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 535, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 583, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 665, BY SENATOR JASON RAPERT,
SENATE BILL NO. 789, BY SENATOR JASON RAPERT,
SENATE BILL NO. 803, BY SENATOR BOBBY PIERCE,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 11:15 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 41,
SENATE BILL NO. 113,
SENATE BILL NO. 146,
SENATE BILL NO. 199,
SENATE BILL NO. 232,
SENATE BILL NO. 422,
SENATE BILL NO. 456,
SENATE BILL NO. 457,
SENATE BILL NO. 464,
SENATE BILL NO. 533,
SENATE BILL NO. 535,
SENATE BILL NO. 583,
SENATE BILL NO. 665,
SENATE BILL NO. 789,
SENATE BILL NO. 803,

RECEIVED the above papers from the Secretary of the Senate this 20th day of March,
2013 at 11:15 a.m.

(SIGNED) MIKE BEEBE
Governor

(SIGNED) SARAH AGEE
Secretary

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 117, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 228, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 953, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 1064, BY SENATOR STEPHANIE FLOWERS,

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

Respectfully submitted,

(SIGNED) SENATOR JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 518, BY SENATOR JOHNNY KEY,

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

Respectfully submitted,

(SIGNED) SENATOR JOYCE ELLIOTT, VICE CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1062, BY SENATOR STEPHANIE FLOWERS,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1528, BY REPRESENTATIVE MARK BIVIANO,
HOUSE BILL NO. 1535, BY REPRESENTATIVE SHEILLA E. LAMPKIN,
HOUSE BILL NO. 1629, BY REPRESENTATIVE ANN V. CLEMMER,
HOUSE BILL NO. 1945, BY REPRESENTATIVE CHARLOTTE VINING DOUGLAS,
HOUSE BILL NO. 2032, BY REPRESENTATIVE DEBORAH FERGUSON,

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

Respectfully submitted,

(SIGNED) SENATOR JOHNNY KEY, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 442, BY SENATOR BRYAN KING,
SENATE BILL NO. 896, BY SENATOR BRYAN KING,
SENATE BILL NO. 977, BY SENATOR JONATHAN DISMANG,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 829, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 1010, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 1037, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 1123, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 1134, BY SENATOR JEREMY HUTCHINSON,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 1086, BY SENATOR KEITH INGRAM,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 2.

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1282, BY REPRESENTATIVE JOHN CHARLES EDWARDS,
HOUSE BILL NO. 1366 BY REPRESENTATIVE KIM HAMMER,
HOUSE BILL NO. 1503, BY REPRESENTATIVE JUSTIN T. HARRIS,
HOUSE BILL NO. 1525, BY REPRESENTATIVE BILL GOSSAGE,
HOUSE BILL NO. 1571, BY REPRESENTATIVE MARSHALL WRIGHT,
HOUSE BILL NO. 1784, BY REPRESENTATIVE CHARLENE FITE,
HOUSE BILL NO. 1790, BY REPRESENTATIVE MARY BROADAWAY,
HOUSE BILL NO. 1811, BY REPRESENTATIVE GREG LEDING,
HOUSE BILL NO. 1812, BY REPRESENTATIVE GREG LEDING,
HOUSE BILL NO. 1813, BY REPRESENTATIVE GREG LEDING,
HOUSE BILL NO. 1856, BY REPRESENTATIVE MATTHEW J. SHEPHERD,
HOUSE BILL NO. 1874, BY REPRESENTATIVE JEREMY GILLAM,
HOUSE BILL NO. 2056, BY REPRESENTATIVE DARRIN WILLIAMS,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1447, BY REPRESENTATIVE CHARLENE FITE,
HOUSE BILL NO. 1693, BY REPRESENTATIVE GREG LEDING,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 161, BY SENATOR EDDIE CHEATHAM,
SENATE BILL NO. 788, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 801, BY SENATOR PAUL BOOKOUT,
SENATE BILL NO. 843, BY SENATOR JAKE FILES,
SENATE BILL NO. 1005, BY SENATOR JONATHAN DISMANG,
SENATE BILL NO. 1013, BY SENATOR MISSY IRVIN,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 542, BY SENATOR MISSY IRVIN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1635, BY REPRESENTATIVE CHRIS RICHEY,
HOUSE BILL NO. 2033, BY REPRESENTATIVE DEBORAH FERGUSON,
HOUSE BILL NO. 2049, BY REPRESENTATIVE JEFF WARDLAW,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 540, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 541, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 1035, BY SENATOR KEITH INGRAM,

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

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 108, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 688, BY SENATOR LARRY TEAGUE,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended No. 2.

Respectfully submitted,

(SIGNED) SENATOR LARRY TEAGUE
VICE CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 297, BY SENATOR JONATHAN DISMANG,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1531, BY REPRESENTATIVE ANDREA LEA,

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

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES
CHAIRMAN

Senate Bill No. 417 was returned from the House as passed as amended.

On motion of Senator Hendren, Senate Bill No. 417 was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Woods, Senate Bill No. 362 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 362

Amend Senate Bill No. 362 as originally introduced:

Page 1, line 35, delete "Facilitates arrangement" and substitute "Facilitates an arrangement"

AND

Page 2, delete line 6 and substitute the following:
"guarantee of return, assumption of risk, or promise to pay qualified medical needs of the participant or of the medical provider performing the service or services for the participant;"

AND

Page 2, line 12, delete "and"

AND

Page 2, delete line 15 and substitute the following:
"care sharing ministry that reads, in substance:"

AND

Page 2, delete line 24 and substitute the following:

"responsible for the payment of your own medical bills."; and

(8) Transfers or distributes contribution amounts from one (1) participant to match the qualified medical needs of another participant to whom neither the organization nor the sending participant has an obligation or commitment to pay for any qualified medical needs with its own funds.

SECTION 2. Arkansas Code § 23-76-103, concerning applicability of the insurance laws of this state concerning hospital and medical service corporations, is amended to add an additional subsection to read as follows:

(c) This chapter does not apply to health care sharing ministries as defined in § 23-60-104(b)."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 362 was ordered engrossed.

On motion of Senator Woods, **Senate Bill No. 500** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 500

Amend **Senate Bill No. 500** as engrossed, S3/13/13:

Page 7, delete lines 34 through 36, and substitute the following:

"(d)(1) Except as provided in subdivision (d)(2) of this section, a seller shall report and pay one hundred percent (100%) of the prepaid wireless E911 charge plus any penalties and interest due to the Director of the Department of Finance and Administration in the same manner and at the same time as the gross receipts tax under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(2) A seller that meets the prompt payment requirements of § 26-52-503 may deduct and retain three percent (3%) of the prepaid wireless E911 charge."

AND

Page 8, delete lines 1 through 3

AND

Page 8, delete lines 29 through 36, and substitute the following:

"(2) Except for the prepaid wireless E911 charge imposed under this section, no other tax, fee, surcharge, or other charge shall be imposed upon prepaid wireless telecommunication services by the state, a political subdivision of the state, or an intergovernmental agency for the purpose of implementing and supporting emergency telephone services.

SECTION 7. Arkansas Code § 26-18-104(13), concerning definitions under the Arkansas Tax Procedure Act, § 26-18-101 et seq., is amended to read as follows:

(13) "State tax" means any tax, ~~or~~ any fee for a license, permit, or registration, or any other fee or charge which is payable to, collected by, or administered by the Revenue Division of the Department of Finance and Administration, ~~State of Arkansas;~~

SECTION 8. EFFECTIVE DATE. This act is effective on and after January 1, 2014."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 500 was ordered engrossed.

On motion of Senator Sample, Senate Bill No. 530 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 530

Amend Senate Bill No. 530 as originally introduced:

Page 1, line 34, delete "desire" and substitute "~~desire~~ desires"

AND

Page 1, line 36, delete "situated and shall" and substitute "situated ~~and~~, shall"

AND

Page 2, delete line 1, and substitute the following:

"the petitioners, and shall include a schedule of services of the annexing municipality that will be extended to the area within three (3) years after the date the annexation becomes final."

AND

Page 2, delete line 20, and substitute the following:

"scheduled service."

AND

Page 2, line 27, delete "proceeding." and substitute "proceeding that becomes final on or after May 1, 2013."

AND

Delete SECTION 4 of the bill in its entirety

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 530 was ordered engrossed.

On motion of Senator Johnson, **Senate Bill No. 640** was placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 4 to SENATE BILL NO. 640

Amend **Senate Bill No. 640** as engrossed, S3/14/13:

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

"(i) Payment of the assessment shall not be sought from a member of the district who does not own the real property that entered into default or foreclosure."

(SIGNED) SENATOR DAVID JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 640 was ordered engrossed.

On motion of Senator Woods, **Senate Bill No. 948** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 948

Amend **Senate Bill No. 948** as originally introduced:

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

"generally available prices and terms of service for telecommunications services, the electing company, competing local"

AND

Page 2, delete lines 10 through 18, and substitute the following:

"(g)(1) The commission, ~~except as provided in this subchapter with respect to universal services, shall have no~~ does not have jurisdiction to regulate:

(A) ~~commercial~~ Commercial mobile services or commercial mobile service providers;

(B) Voice over Internet Protocol services or other Internet Protocol enabled services; or

(C) Voice over Internet Protocol providers or providers of other Internet Protocol enabled services.

(2) This subsection (g) does not apply to:

(A) The provisions of this subchapter concerning universal services;

(B) An entity's obligations under sections 251 and 252 of the Communications Act of 1934, 47 U.S.C. § 151 et seq.; or

(C) A right granted to an entity by sections 251 and 252 of the Communications Act of 1934, 47 U.S.C. § 151 et seq."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 948 was ordered engrossed.

On motion of Senator Hutchinson, **House Bill No. 1315** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1315

Amend **House Bill No. 1315** as originally introduced:

Page 1, line 34, delete "(B)(i)" and substitute "(B)"

AND

Page 2, delete lines 1 and 2

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1315 was ordered engrossed.

On motion of Senator Sanders, House Bill No. 1357 was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment Nos. 1 & 2.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1357

Amend House Bill No. 1357 as engrossed, H3/7/13:

Page 2, delete lines 19 through 28 and substitute the following:

"(b) The board of directors of any school district shall have the authority to hold a school election concerning the tax rate or debt issues ~~on a date other than that fixed by law provided that~~ at one (1) or more of the following elections:

~~(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subdivision (a)(1) of this section;~~

~~(2) The election is held before the date of the annual school election; and~~

~~(3) The Commissioner of Education approves the date of the election.~~

(1) The annual school election; or

(2) A special election under § 7-11-304."

AND

Delete SECTION 19 of the bill in its entirety

AND

Page 16, delete line 8 and substitute the following:

"order shall set the date for the election under § 7-11-201 et seq.

SECTION 38. Arkansas Code § 26-80-111(a)(1) concerning the ad valorem tax rate of school districts involved in consolidation, annexation, or merger, is amended to read as follows:

(a)(1) When a new school district is created from all or parts of two (2) or more districts, or a school district is dissolved and all or part of the area of the dissolved school district is annexed to or consolidated with an existing school district, the board of directors of the resulting school district shall submit to the electors of the school district at the next annual school election, or at another time as provided by law, a proposed tax millage rate for the school district."

AND

Appropriately renumber the remaining sections of the bill

(SIGNED) SENATOR DAVID SANDERS

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to HOUSE BILL NO. 1357

Amend **House Bill No. 1357** as engrossed, H3/7/13:

Page 4, delete lines 16 and 17 and substitute:

"approve ~~any~~ a measure. The term as used in this ~~act~~ title shall not apply to school elections for officials of school districts;"

(SIGNED) SENATOR DAVID SANDERS

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1357 was ordered engrossed.

On motion of Senator Sanders, [Senate Bill No. 331](#) was called up for the purpose of considering [Amendment No. 1](#) thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
[Amendment No. 1 to SENATE BILL NO. 331](#)

Amend [Senate Bill No. 331](#) as originally introduced:

Add Representative Baird as a cosponsor of the bill

(SIGNED) REPRESENTATIVE DUNCAN BAIRD

[Amendment No. 1 to Senate Bill No. 331](#), adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Sanders, **Senate Bill No. 331** was called up for third reading and final disposition.

SENATE BILL NO. 331
As Engrossed: H3/8/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. SANDERS
BY: REPRESENTATIVE BAIRD

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING RESTRICTIONS ON THE EMPLOYMENT OF FORMER STATE OFFICIALS AND FORMER STATE EMPLOYEES; TO HOLD JUDGES TO THE SAME EMPLOYMENT RESTRICTIONS AS OTHER STATE OFFICIALS; AND FOR OTHER PURPOSES.

Senate Bill No. 331 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: B. King.	
Total	1
VOTING PRESENT:	
Total	0
Total number of votes cast.....	34
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 331 was returned from the House as passed and ordered enrolled.

On motion of Senator Files, **Senate Bill No. 149** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

On motion of Senator Files, and without objection, **Senate Bill No. 149** was recommended for study in the interim by Senate Interim Committee on PUBLIC HEALTH, WELFARE & LABOR.

The President declared the morning hour to have expired.

On motion of Senator Thompson, **Senate Bill No. 116** was called up for third reading and final disposition.

SENATE BILL NO. 116
As Engrossed: S2/19/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR R. THOMPSON

A Bill for an Act to be Entitled: AN ACT TO LIMIT THE USE OF A RECIPROCAL SYSTEM'S CALCULATION OF FINAL AVERAGE SALARY FOR AN ARKANSAS TEACHER RETIREMENT SYSTEM MEMBER IF THE MEMBER'S RECIPROCAL SERVICE CREDIT IS LESS THAN THE NUMBER OF YEARS OF SERVICE CREDIT USED TO CALCULATE THE FINAL AVERAGE SALARY FOR THE SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 116 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total 0

ABSENT OR NOT VOTING:

Total 0

VOTING PRESENT:

Total 0

Total number of votes cast..... 35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 116**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 116 was ordered immediately transmitted to the House.

On motion of Senator Woods, Senate Bill No. 805 was called up for third reading and final disposition.

SENATE BILL NO. 805
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE BELL

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE CONFIDENTIALITY OF CERTAIN PERSONS MAKING A WHISTLEBLOWER CLAIM; AND FOR OTHER PURPOSES.

Senate Bill No. 805 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total 0

ABSENT OR NOT VOTING:

Total 0

VOTING PRESENT:

Total 0

Total number of votes cast..... 35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 805 was ordered immediately transmitted to the House as passed.

On motion of Senator Teague, **Senate Bill No. 793** was called up for third reading and final disposition.

**SENATE BILL NO. 793
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR TEAGUE**

A Bill for an Act to be Entitled: AN ACT TO REVISE THE LAW CONCERNING CERTAIN PROFESSIONAL DEVELOPMENT RECOGNITION PAYMENTS; AND FOR OTHER PURPOSES.

Senate Bill No. 793 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 793 was ordered immediately transmitted to the House as passed.

On motion of Senator Thompson, **Senate Bill No. 897** was called up for third reading and final disposition.

SENATE BILL NO. 897
As Engrossed: S3/13/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS D. JOHNSON AND FILES
BY: REPRESENTATIVES DALE AND BIVIANO

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE JURISDICTION AND REGULATORY AUTHORITY OF THE ARKANSAS REAL ESTATE COMMISSION; TO REGULATE TRANSACTIONS INVOLVING RESALE TIMESHARE PROPERTY; AND FOR OTHER PURPOSES.

Senate Bill No. 897 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 897 was ordered immediately transmitted to the House as passed.

On motion of Senator Pierce, **Senate Bill No. 905** was called up for third reading and final disposition.

**SENATE BILL NO. 905
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. PIERCE**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE THE ISSUANCE OF A SECOND LICENSE PLATE FOR ELIGIBLE MILITARY SERVICE MEMBERS AND VETERANS UPON PAYMENT OF REGULAR LICENSING FEES; AND FOR OTHER PURPOSES.

Senate Bill No. 905 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 905 was ordered immediately transmitted to the House as passed.

On motion of Senator Sample, **Senate Bill No. 939** was called up for third reading and final disposition.

**SENATE BILL NO. 939
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. SAMPLE**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE FOR CREATION AND ISSUANCE AN ARKANSAS STATE LODGE FRATERNAL ORDER OF POLICE MOTOR VEHICLE SPECIAL LICENSE PLATE; AND FOR OTHER PURPOSES.

Senate Bill No. 939 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 939 was ordered immediately transmitted to the House as passed.

On motion of Senator Sample, **Senate Bill No. 138** was withdrawn from the Committee on JOINT RETIREMENT & SOCIAL SECURITY, and placed on the Calendar.

On motion of Senator Sample, and without objection, **Senate Bill No. 138** was recommended for study in the interim by Senate Interim Committee on JOINT RETIREMENT & SOCIAL SECURITY.

On motion of Senator Irvin, **Senate Bill No. 1038** was called up for third reading and final disposition.

**SENATE BILL NO. 1038
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR IRVIN**

A Bill for an Act to be Entitled: AN ACT CONCERNING REPORTS FROM THE DEPARTMENT OF HUMAN SERVICES OR A DIVISION OF THE DEPARTMENT OF HUMAN SERVICES RELATED TO CHILD MALTREATMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 1038 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total35

NEGATIVE:

Total.....0

ABSENT OR NOT VOTING:

Total.....0

VOTING PRESENT:

Total.....0

Total number of votes cast..... 35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1038 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, Senate Bill No. 1059 was called up for third reading and final disposition.

SENATE BILL NO. 1059
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE FOR ISSUANCE A CONSTABLE SPECIAL LICENSE PLATE; AND FOR OTHER PURPOSES.

Senate Bill No. 1059 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total34

NEGATIVE: L. Chesterfield.

Total1

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1059 was ordered immediately transmitted to the House as passed.

On motion of Senator Rapert, Senate Bill No. 1107 was called up for third reading and final disposition.

SENATE BILL NO. 1107
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATORS RAPERT AND K. INGRAM
BY: REPRESENTATIVES WREN AND DALE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE COMPREHENSIVE HEALTH INSURANCE POOL ACT TO PROVIDE FOR THE ORDERLY CESSATION OF OPERATIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 1107 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total 0

ABSENT OR NOT VOTING:

Total 0

VOTING PRESENT:

Total 0

Total number of votes cast..... 35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to Senate Bill No. 1107, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast35

Necessary to the adoption of the Emergency Clause24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1107 was ordered immediately transmitted to the House.

On motion of Senator Thompson, Senate Bill No. 1136 was called up for third reading and final disposition.

SENATE BILL NO. 1136

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS R. THOMPSON AND D. WYATT

BY: REPRESENTATIVES BALTZ, JETT & RATLIFF

A Bill for an Act to be Entitled: AN ACT TO DESIGNATE PORTIONS OF STATE HIGHWAY 90 IN RANDOLPH AND LAWRENCE COUNTIES AND STATE 93 TO DALTON AS ARKANSAS SCENIC HIGHWAYS; AND FOR OTHER PURPOSES.

Senate Bill No. 1136 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total 35

NEGATIVE:

Total 0

ABSENT OR NOT VOTING:

Total 0

VOTING PRESENT:

Total 0

Total number of votes cast..... 35

Necessary to the passage of the bill 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1136 was ordered immediately transmitted to the House as passed.

On motion of Senator Thompson, **House Bill No. 1136** was called up for third reading and final disposition.

HOUSE BILL NO. 1136
As Engrossed: H2/4/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE LENDERMAN

A Bill for an Act to be Entitled: AN ACT TO CLARIFY DISABILITY RETIREMENT REQUIREMENTS AND ELIGIBILITY FOR ADMINISTRATION IN THE ARKANSAS TEACHER RETIREMENT SYSTEM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 1136 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total35

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1136**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING:

Total	0
-------------	---

VOTING PRESENT:

Total	0
-------------	---

Total number of votes cast.....	35
Necessary to the adoption of the Emergency Clause	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1136 was ordered immediately returned to the House as passed.

On motion of Senator Wyatt, **House Bill No. 1383** was called up for third reading and final disposition.

HOUSE BILL NO. 1383
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE VINES
BY: SENATOR D. WYATT

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING CONTRACT BIDDING TO MAKE THE REQUIREMENTS UNIFORM; AND FOR OTHER PURPOSES.

House Bill No. 1383 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1383 was ordered immediately returned to the House as passed.

On motion of Senator Hickey, **House Bill No. 1527** was called up for third reading and final disposition.

**HOUSE BILL NO. 1527
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE D. WHITAKER**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE LAW REGARDING THE ELIGIBILITY FOR OBTAINING A VIETNAM VETERAN SPECIAL LICENSE PLATE AND A VIETNAM ERA SPECIAL LICENSE PLATE BY DEFINING VIETNAM VETERAN AND VIETNAM ERA VETERAN; TO PROVIDE FOR THE ISSUANCE OF SPECIAL LICENSE PLATE DECALS FOR VIETNAM ERA VETERANS; AND FOR OTHER PURPOSES.

House Bill No. 1527 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1527 was ordered immediately returned to the House as passed.

On motion of Senator Hendren, **House Bill No. 1701** was called up for third reading and final disposition.

**HOUSE BILL NO. 1701
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BARNETT**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE REGIONAL MOBILITY AUTHORITY ACT; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

House Bill No. 1701 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1701 was ordered immediately returned to the House as passed.

On motion of Senator Sanders, **House Bill No. 1633** was called up for third reading and final disposition.

HOUSE BILL NO. 1633
As Engrossed: H3/11/13
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE J. EDWARDS

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DIGITAL PRODUCT AND MOTION PICTURE INDUSTRY DEVELOPMENT ACT OF 2009; TO INCREASE THE REBATE AMOUNTS AVAILABLE UNDER THE DIGITAL PRODUCT AND MOTION PICTURE INDUSTRY DEVELOPMENT ACT OF 2009; TO ADDRESS THE EXPENDITURES THAT ARE ELIGIBLE FOR A REBATE; TO INCREASE THE AMOUNT NECESSARY TO BE ELIGIBLE FOR A REBATE; AND FOR OTHER PURPOSES.

House Bill No. 1633 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, Holland, J. Hutchinson, K. Ingram, Irvin, D. Johnson, J. Key, B. King, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, G. Stubblefield, Teague, R. Thompson, E. Williams, J. Woods, D. Wyatt.

Total	35
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
VOTING PRESENT:	
Total	0
Total number of votes cast.....	35
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1633 was ordered immediately returned to the House as passed.

Senate Bill No. 215 returned from the House as requested.

Received from the House

HOUSE BILL NO. 1135

As Engrossed: H2/18/13 H3/14/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE LENDERMAN

A Bill for an Act to be Entitled: AN ACT TO ALLOW ELIGIBLE SURVIVORS TO RECEIVE BENEFITS FROM THE ARKANSAS TEACHER RETIREMENT SYSTEM FROM THE DATE THAT AN APPLICATION FOR SURVIVOR BENEFITS IS FILED WITH THE SYSTEM; TO CLARIFY THE DATE ON WHICH A SURVIVING SPOUSE MAY BEGIN RECEIVING BENEFITS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1135 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1137

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE LENDERMAN

A Bill for an Act to be Entitled: AN ACT TO ALLOW ARKANSAS TEACHER RETIREMENT SERVICE CREDIT AND CURRENT SALARY TO BE USED IN THE CALCULATION OF FINAL AVERAGE SALARY FOR MEMBERS RETIRING OTHER THAN THE FIRST DAY OF A CALENDAR QUARTER WITHIN A FISCAL YEAR; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1137 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1855

As Engrossed: H3/18/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES SHEPHERD AND STEEL

BY: SENATOR IRVIN

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE OFFICE OF PROSECUTING ATTORNEY AS A NONPARTISAN OFFICE; TO AMEND THE LAW CONCERNING THE DATES OF CERTAIN ELECTIONS; AND FOR OTHER PURPOSES.

House Bill No. 1855 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 782, BY SENATOR LARRY TEAGUE,

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

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES
CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 798, BY SENATOR JIMMY HICKEY JR.,
SENATE BILL NO. 899, BY SENATOR JIMMY HICKEY JR.,

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

Respectfully submitted,

(SIGNED) SENATOR LARRY TEAGUE, VICE-CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 832, BY SENATOR JAKE FILES,
SENATE BILL NO. 1075, BY SENATOR JAKE FILES,

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

Respectfully submitted,

(SIGNED) SENATOR DAVID JOHNSON, ACTING-CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1461, BY REPRESENTATIVE KELLEY LINCK,

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

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

SENATE BILL NO. 362, BY SENATOR JON WOODS,
SENATE BILL NO. 500, BY SENATOR JON WOODS,
SENATE BILL NO. 530, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 640, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 948, BY SENATOR JON WOODS,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE

EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1315, BY REPRESENTATIVE KELLY LINCK,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

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

HOUSE BILL NO. 1357, BY REPRESENTATIVE ALLEN KERR,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Sanders, **House Bill No. 1357** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE

EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS, to whom was referred:

SENATE BILL NO. 842, BY SENATOR ALAN CLARK,
SENATE BILL NO. 1023, BY SENATOR KEITH INGRAM,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS, to whom was referred:

SENATE BILL NO. 929, BY SENATOR LARRY TEAGUE ,
SENATE BILL NO. 934, BY SENATOR DAVID WYATT,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that they do pass as amended No. 1.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
REGULAR SESSION

March 20, 2013

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS, to whom was referred:

HOUSE BILL NO. 1702, BY REPRESENTATIVE JONATHAN BARNETT,
HOUSE BILL NO. 1751, BY REPRESENTATIVE JONATHAN BARNETT,
HOUSE BILL NO. 1781, BY REPRESENTATIVE FONDA HAWTHORNE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

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SENATE BILLS TRANSMITTED TO THE HOUSE
AS PASSED

SENATE BILL NO. 116
SENATE BILL NO. 793
SENATE BILL NO. 805
SENATE BILL NO. 897
SENATE BILL NO. 905
SENATE BILL NO. 939
SENATE BILL NO. 1038
SENATE BILL NO. 1059
SENATE BILL NO. 1107

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1136

HOUSE BILL NO. 1383

HOUSE BILL NO. 1527

HOUSE BILL NO. 1633

HOUSE BILL NO. 1701

SENATE BILL RETURNED FROM THE HOUSE

AS PASSED AS AMENDED

SENATE BILL NO. 417 AS AMENDED NO. 1

SENATE BILL RETURNED FROM THE HOUSE AS REQUESTED

SENATE BILL NO. 215

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1135

HOUSE BILL NO. 1137

HOUSE BILL NO. 1855

On motion of Senator Bookout, the Senate adjourned until 1:30 p.m., Thursday, March 21, 2013.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE