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SIXTIETH DAY'S PROCEEDINGS
SENATE CHAMBER
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

Little Rock, Arkansas
March 12, 2015

The Senate was called to order at 11:15 o'clock a.m. by the President.

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

BLEDSOE, BURNETT, CALDWELL, CHEATHAM,
CHESTERFIELD, CLARK, COLLINS-SMITH, COOPER,
DISMANG, ELLIOTT, ENGLISH, FILES, FLIPPO,
FLOWERS, HENDREN, HESTER, HICKEY,
HUTCHINSON, INGRAM, IRVIN, B. JOHNSON,
D. JOHNSON, KING, LINDSEY, MALOCH, PIERCE,
RAPERT, RICE, SAMPLE, SANDERS, STUBBLEFIELD,
TEAGUE, WILLIAMS, WOODS.

The Senate was led in prayer by Senator Hickey.

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

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

On motion of Senator Elliott, **Senate Bill No. 212** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 212

Amend **Senate Bill No. 212** as originally introduced:

Page 1, line 10, delete “ALTERNATIVE” and substitute “DIFFERENTIATED”

AND

Delete the subtitle in its entirety and substitute:
“TO ESTABLISH A STATEWIDE REENGAGEMENT PROGRAM; TO INCREASE HIGH SCHOOL COMPLETION THROUGH THE DIFFERENTIATED PATHWAY TO A HIGH SCHOOL DIPLOMA PROGRAM.”

AND

Page 1, line 26, delete “Alternative” and substitute “Differentiated”

AND

Page 2, line 17, delete “Alternative” and substitute “Differentiated”

AND

Page 2, line 23, delete “two-year” and substitute “state-supported”

AND

Page 2, line 30, delete “Alternative” and substitute “Differentiated”

AND

Page 3, line 11, delete “Alternative” and substitute “Differentiated”

AND

Page 3, line 22, delete “two-year” and substitute “state-supported”

AND

Page 3, line 31, delete “two-year” and substitute “state-supported”

AND

Page 4, line 4, delete “two-year” and substitute “state-supported”

AND

Page 4, line 11, delete "two-year" and substitute "state-supported"

AND

Page 4, line 18, delete "two-year" and substitute "state-supported"

AND

Page 4, line 23, delete "Alternative" and substitute "Differentiated"

AND

Page 4, line 28, delete "or"

AND

Page 4, delete line 30 and substitute the following:

"classes, internship opportunities, or other educational services for eligible students directly; or

(3) Have an audit conducted to ensure that the program offered by the school district meets academic standards adopted by the Department of Education."

AND

Page 4, line 36, delete "Alternative" and substitute "Differentiated"

AND

Page 5, line 35, delete "Alternative" and substitute "Differentiated"

(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. 212 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 273** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 273

Amend **Senate Bill No. 273** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-77-107, concerning the program for indigent medical care and the rules and regulations of the program, is amended to add additional subsections to read as follows:

(g)(1) The department shall be prohibited from employing a model of reimbursement to providers, whether referred to as "episodes of care" or any other description, that:

(A) Limits reimbursements to a predetermined aggregate amount based solely upon the diagnosis of the beneficiaries comprising the aggregate;

(B) Pays a claim on any basis other than a predetermined unit rate of reimbursement for care deemed medically necessary by medical personnel, which is actually rendered to an individual beneficiary and properly documented; or

(C) Affects a recovery or recoupment by any means other than that which is permitted in this section.

(2) This subsection does not preclude:

(A) Reimbursement to a residential care facility or assisted living facility for Medicaid personal care using the tiered multi-hour daily service rate;

(B) Reimbursement for services provided by Program of All-Inclusive Care for the Elderly organizations, also known as PACE organizations, using a capitated rate; or

(C) Reimbursement methodologies negotiated between providers and the Division of Aging and Adult Services of the Department of Human Services for home and community based services including without limitation the ElderChoices waiver, the Alternatives for Adults with Physical Disabilities waiver, Independent Choices waiver, Personal Care programs, assisted living programs, and any successors to these programs.

(h) The department shall not recover, recoup, or withhold any portion of the reimbursement provided for service rendered in the indigent medical program unless the department provides, with respect to each claim for which recovery, recoupment, or withholding is sought, a particularized finding that:

(1) The claim or service provided was fraudulent;

(2) The provision of services or documentation of services were not in compliance with rules of the department; or

(3) The services were not medically necessary, subject to § 20-77-

1701 et seq."

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 273 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 318** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 318

Amend **Senate Bill No. 318** as originally introduced:

Page 1, delete line 23 and substitute the following:

"SECTION 1. Arkansas Code § 23-99-420 is repealed.
~~23-99-420. Prior authorization.~~

(a) ~~As used in this section:~~

~~(1) "Fail first" means a protocol by a healthcare insurer requiring that a healthcare service preferred by a healthcare insurer shall fail to help a patient before the patient receives coverage for the healthcare service ordered by the patient's healthcare provider;~~

~~(2) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare insurer in the state;~~

~~(3)(A) "Healthcare insurer" means an insurance company, a health maintenance organization, and a hospital and medical service corporation.~~

~~(B) "Healthcare insurer" does not include workers' compensation plans or Medicaid;~~

~~(4) "Healthcare provider" means a doctor of medicine, a doctor of osteopathy, or another healthcare professional acting within the scope of practice for which he or she is licensed;~~

~~(5) "Healthcare service" means a healthcare procedure, treatment, service, or product, including without limitation prescription drugs and durable medical equipment ordered by a healthcare provider;~~

~~(6) "Medicaid" means the state-federal medical assistance program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.;~~

~~(7) "Prior authorization" means the process by which a healthcare insurer or a healthcare insurer's contracted private review agent determines the medical necessity or medical appropriateness, or both, of otherwise covered healthcare services before the rendering of the healthcare services, including without limitation:~~

~~(A) Preadmission review;~~

~~(B) Pretreatment review;~~

~~(C) Utilization review;~~

~~(D) Case management; and~~

~~(E) Any requirement that a patient or healthcare provider notify the healthcare insurer or a utilization review agent before providing a healthcare service;~~

~~(8)(A) "Private review agent" means a nonhospital-affiliated person or entity performing utilization review on behalf of:~~

~~(i) An employer of employees in the State of Arkansas; or~~

~~(ii) A third party that provides or administers hospital and medical benefits to citizens of this state, including:~~

~~(a) A health maintenance organization issued a certificate of authority under and by virtue of the laws of the State of Arkansas; and~~

~~(b) A health insurer, nonprofit health service plan, health insurance service organization, or preferred provider organization or other entity offering health insurance policies, contracts, or benefits in this state.~~

~~(B) "Private review agent" includes a healthcare insurer if the healthcare insurer performs prior authorization determinations.~~

~~(C) "Private review agent" does not include automobile, homeowner, or casualty and commercial liability insurers or their employees, agents, or contractors;~~

~~(9) "Self-insured health plan for employees of governmental entity" means a trust established under §§ 14-54-101 and 25-20-104 to provide benefits such as accident and health benefits, death benefits, dental benefits, and disability income benefits; and~~

~~(10) "Step therapy" means a protocol by a healthcare insurer requiring that a patient not be allowed coverage of a prescription drug ordered by the patient's healthcare provider until other less expensive drugs have been tried.~~

~~(b) The purpose of this section is to ensure that prior authorization determination protocols safeguard a patient's best interests.~~

~~(c)(1) An adverse prior authorization determination made by a utilization review agent shall be based on the medical necessity or appropriateness of the healthcare services and shall be based on written clinical criteria.~~

~~(2) An adverse prior authorization determination shall be made by a qualified healthcare professional.~~

~~(d) This section applies to a healthcare insurer whether or not the healthcare insurer is acting directly or indirectly or through a private review agent and to a self-insured health plan for employees of governmental entities. However, a self-insured plan for employees of governmental entities is not subject to subdivision (g)(4)(C) of this section or oversight by the Arkansas State Medical Board, State Board of Health, or the State Insurance Department.~~

~~(e) If the patient or the patient's healthcare provider, or both, receive verbal notification of the adverse prior authorization determination, the qualified healthcare professional who makes an adverse prior authorization determination shall provide the information required for the written notice under subdivision (g)(1) of this section.~~

~~(f) Written notice of an adverse prior authorization determination shall be provided to the patient's healthcare provider requesting the prior authorization by fax or hard copy letter sent by regular mail, as requested by the patient's healthcare provider.~~

~~(g) The written notice required under subsection (e) of this section shall include:~~

~~(1)(A) The name, title, address, and telephone number of the healthcare professional responsible for making the adverse determination.~~

~~(B) For a physician, the notice shall identify the physician's board certification status or board eligibility.~~

~~(C) The notice under this subsection shall identify each state in which the healthcare professional is licensed and the license number issued to the professional by each state;~~

~~(2) The written clinical criteria, if any, and any internal rule, guideline, or protocol on which the healthcare insurer relied when making the adverse prior authorization determination and how those provisions apply to the patient's specific medical circumstance;~~

~~(3) Information for the patient and the patient's healthcare provider through which the patient or healthcare provider may request a copy of any report developed by personnel performing the utilization review that led to the adverse prior authorization determination; and~~

~~(4)(A) Information explaining to the patient and the patient's healthcare provider the right to appeal the adverse prior authorization determination.~~

~~(B) The information required under subdivision (g)(4)(A) of this section shall include instructions concerning how an appeal may be perfected and how the patient and the patient's healthcare provider may ensure that written materials supporting the appeal will be considered in the appeal process.~~

~~(C) The information required under subdivision (g)(4)(A) of this section shall include addresses and telephone numbers to be used by healthcare providers and patients to make complaints to the Arkansas State Medical Board, the State Board of Health, and the State Insurance Department.~~

~~(h)(1) When a healthcare service for the treatment or diagnosis of any medical condition is restricted or denied for use by prior authorization or step therapy or a fail first protocol in favor of a healthcare service preferred by the healthcare insurer, the patient's healthcare provider shall have access to a clear and convenient process to expeditiously request an override of that restriction or denial from the healthcare insurer.~~

~~(2) Upon request, the patient's healthcare provider shall be provided contact information, including a phone number, for the person or persons who should be contacted to initiate the request for an expeditious override of the restriction or denial.~~

~~(i) Requested healthcare services shall be deemed preauthorized if a healthcare insurer or self-insured health plan for employees of governmental entities fails to comply with this section.~~

~~(j)(1) On and after January 1, 2014, to establish uniformity in the submission of prior authorization forms, a healthcare insurer shall utilize only a single standardized prior authorization form for obtaining a prior authorization in written or electronic form for prescription drug benefits.~~

~~(2) A healthcare insurer may make the form required under subdivision (j)(1) of this section accessible through multiple computer operating systems.~~

~~(3) The prior authorization form required under subdivision (j)(1) of this section shall:~~

~~(A) Not exceed two (2) pages; and~~

~~(B) Be designed to be submitted electronically from a prescribing provider to a healthcare insurer.~~

~~(4) This subsection does not prohibit a prior authorization by verbal means without a form.~~

~~(5) If a healthcare insurer fails to use or accept the prior authorization form developed under this subsection or fails to respond as soon as reasonably possible but no later than seventy-two (72) hours after receipt of a completed prior authorization request using the form developed under this subsection, the prior authorization request is granted.~~

~~(6)(A) On and after January 1, 2014, each healthcare insurer shall submit its prior authorization form to the State Insurance Department to be kept on file.~~

~~(B) A copy of a subsequent replacement or modification of a healthcare insurer's prior authorization form shall be filed with the department within fifteen (15) days before the prior authorization form is used or before implementation of the replacement or modification.~~

SECTION 2. Arkansas Code Title 23, Chapter 99, is amended to add an"

AND

Page 1, line 26, delete "Subchapter 8" and substitute "Subchapter 9"

AND

Page 1, line 28, delete "23-66-801." and substitute "23-99-901."

AND

Page 1, line 32, delete "23-66-802." and substitute "23-99-902."

AND

Page 2, line 9, delete "23-66-803." and substitute "23-99-903."

AND

Page 2, line 25, delete "service;" and substitute "service according to the provisions of the health benefit plan;"

AND

Page 3, delete line 9, and substitute the following:

"complete the review of the requested urgent healthcare service;

(6) "Fail first" means a protocol by a healthcare insurer requiring that a healthcare service preferred by a healthcare insurer shall fail to help a patient before the patient receives coverage for the healthcare service ordered by the patient's healthcare provider;

(7) "Health benefit plan" means any individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare insurer in this state;

(8)(A) "Healthcare insurer" means an insurance company, health maintenance organization, and a hospital and medical service corporation.

(B) "Healthcare insurer" does not include workers' compensation plans or Medicaid;

(9) "Healthcare provider" means a doctor of medicine, a doctor of osteopathy, or another licensed health care professional acting within the professional's licensed scope of practice;"

AND

Page 3, line 10, delete "(6)(A)" and substitute "(10)(A)"

AND

Page 3, line 12, delete "this state;" and substitute "this state or in the state where the facility is located;"

AND

Page 3, delete lines 19 through 22, and substitute the following:

"(11) "Medicaid" means the state-federal medical assistance program established by Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.;

(12) "Medically necessary healthcare service" means a healthcare service that a healthcare provider provides to a patient in a manner that is:"

AND

Page 3, delete line 29, and substitute the following:

"physician, or other healthcare provider;

(13) "Nonmedical approval" means a decision by a utilization review

entity to approve coverage and payment for a healthcare service according to the provisions of the health benefit plan on any basis other than whether the healthcare service is medically necessary or is experimental or investigational in nature;

(14) "Nonmedical denial" means a decision by a utilization review entity to deny, reduce, or terminate coverage for a healthcare service on any basis other than whether the healthcare service is medically necessary or the healthcare service is experimental or investigational in nature;

(15) "Nonmedical review" means the process by which a utilization review entity decides to approve or deny coverage of or payment for a healthcare service before or after it is given on any basis other than whether the healthcare service is medically necessary or the healthcare service is experimental or investigational in nature."

AND

Page 3, line 30, delete "(8)(A)" and substitute "(16)(A)"

AND

Page 3, line 32, delete "a covered healthcare service" and substitute "an otherwise covered healthcare service"

AND

Page 3, delete line 34, and substitute the following:
"review, utilization review, and case management."

AND

Page 4, delete lines 3 through 6, and substitute the following:
"service is provided;

(17) "Self-insured health plan for employees of governmental entity" means a trust established under § 14-54-101 et seq. or § 25-20-104 to provide benefits such as accident and health benefits, death benefits, disability benefits, and disability income benefits;

(18) "Step therapy" means a protocol by a healthcare insurer requiring that a subscriber not be allowed coverage of a prescription drug ordered by the subscriber's healthcare provider until other less expensive drugs have been tried;

(19)(A) "Subscriber" means an individual eligible to receive coverage of healthcare services by a healthcare insurer under a health benefit plan."

AND

Page 4, line 9, delete "(10)(A)" and substitute "(20)"

AND

Page 4, line 20, delete "care." and substitute "care; and"

AND

Page 4, delete lines 21 through 25 and substitute the following:

"(21)(A) "Utilization review entity" means an individual or entity that performs prior authorization or nonmedical review for at least one (1) of the following:"

AND

Page 5, delete line 1 and substitute the following:

"performs prior authorization.

(C) "Utilization review entity" does not include an insurer of automobile, homeowner, or casualty and commercial liability insurance or the insurer's employees, agents, or contractors."

AND

Page 5, line 3, delete "23-66-804." and substitute "23-99-904."

AND

Page 5, line 5, delete "authorization requirements" and substitute "authorization and nonmedical review requirements"

AND

Page 5, delete lines 9 through 23 and substitute the following:

"(b) Before a utilization review entity implements a new or amended prior authorization or nonmedical review requirement or restriction as described in subdivision (a)(1) of this section, the utilization review entity shall update its website to reflect the new or amended requirement or restriction.

(c) Before implementing a new or amended prior authorization or nonmedical review requirement or restriction, a utilization review entity shall provide contracted healthcare providers written notice of the new or amended requirement or restriction at least sixty (60) days before implementation of the new or amended requirement or restriction.

(d)(1) A utilization review entity shall make statistics available regarding prior authorization approvals and denials and nonmedical approvals and denials on its website in a readily accessible format."

AND

Page 5, line 30, delete "23-66-805." and substitute "23-99-905."

AND

Page 5, line 32, delete "make a" and substitute "make an"

AND

Page 5, delete lines 33 through 36 and substitute the following:

"authorization or adverse determination and notify the subscriber and the subscriber's nonurgent healthcare provider of the decision within two (2) business days of obtaining all necessary information to make the authorization or adverse determination."

AND

Page 6, line 5, delete "23-66-806." and substitute "23-99-906."

AND

Page 6, line 6, delete "expedited prior" and substitute "expedited"

AND

Page 6, line 7, delete "an adverse" and substitute "adverse"

AND

Page 6, line 9, delete "not later" and substitute "no later"

AND

Page 6, line 13, delete "23-66-807." and substitute "23-99-907."

AND

Page 6, line 29, delete "subscriber to" and substitute "subscriber or to"

AND

Page 7, delete lines 5 through 9 and substitute the following:

"healthcare provider that is a member of the health benefit plan's provider network.

(2) Restrictions on coverage for an emergency healthcare service provided by a healthcare provider that is not a member of the health benefit plan's provider network shall not be greater than restrictions on coverage for an emergency healthcare service provided by a healthcare provider that is a member of the health benefit plan's provider network."

AND

Page 7, line 17, delete "23-66-808." and substitute "23-99-908."

AND

Page 7, line 19, delete "a prior authorization" and substitute "an authorization"

AND

Page 7, line 20, delete "prior authorization." and substitute "authorization."

AND

Page 7, line 23, delete "preauthorized within" and substitute "authorized within"

AND

Page 7, line 26, delete "23-66-809." and substitute "23-99-909."

AND

Page 7, delete line 30 and substitute the following:

"are void.

23-99-910. State physician required.

A physician shall be licensed by the Arkansas State Medical Board before making recommendations or decisions regarding prior authorization or nonmedical review requests.

23-99-911. Application.(a) This subchapter applies to:(1) A healthcare insurer whether or not the healthcare insurer is acting directly or indirectly through a private utilization review entity; and(2)(A) A self-insured health plan for employees of governmental entities.(B) A self-insured plan for employees of governmental entities is not subject to § 23-99-912(b)(4)(C) or the Arkansas State Medical Board, State Board of Health, or the State Insurance Department.(b) This subchapter applies to any healthcare service, whether or not the health benefit plan requires prior authorization or nonmedical review for the healthcare service.(c) A request by a healthcare provider for authorization or approval of a service regulated under this subchapter before it is given shall be subject to this subchapter.23-99-912. Form of notice.(a)(1) Notice of an adverse determination or a nonmedical denial shall be provided to the healthcare provider that initiated the prior authorization or nonmedical review.(2) Notice may be made by fax or hard copy letter sent by regular mail or verbally, as requested by the subscriber's healthcare provider.(b) The written or verbal notice required under this section shall include:(1)(A) The name, title, address, and telephone number of the healthcare professional responsible for making the adverse determination or nonmedical denial.(B) For a physician, the notice shall identify the physician's board certification status or board eligibility.(C) The notice under this section shall identify each state in which the healthcare professional is licensed and the license number issued to the professional by each state;(2) The written clinical criteria, if any, and any internal rule, guideline, or protocol on which the healthcare insurer relied when making the adverse determination or nonmedical denial and how those provisions apply to the subscriber's specific medical circumstance;(3) Information for the subscriber and the subscriber's healthcare provider that describes the procedure through which the subscriber or healthcare provider may request a copy of any report developed by personnel performing the review that led to the adverse determination or nonmedical denial; and(4)(A) Information that explains to the subscriber and the subscriber's healthcare provider the right to appeal the adverse determination or nonmedical denial.(B) The information required under subdivision (b)(4)(A) of this section shall include instructions concerning how to perfect an appeal and how the subscriber and the subscriber's healthcare provider may ensure that written materials supporting the appeal will be considered in the appeal process.(C) The information required under subdivision (b)(4)(A) of this section shall include addresses and telephone numbers to be used by healthcare providers and subscribers to make complaints to the Arkansas State Medical Board, the State Board of Health, and the State Insurance Department.(c)(1) When a healthcare service for the treatment or diagnosis of any medical condition is restricted or denied for use by nonmedical review, step therapy, or a fail first protocol in favor of a healthcare service preferred by the healthcare insurer, the subscriber's healthcare provider shall have access to a clear and convenient process to expeditiously request an override of that restriction or denial from the healthcare insurer.

(2) Upon request, the subscriber's healthcare provider shall be provided contact information, including a phone number, for a person to initiate the request for an expeditious override of the restriction or denial.

(d) The appeal process described in subdivision (b)(2), subdivision (b)(3), and subdivision (b)(4) of this section shall not apply when a healthcare service is denied due to the fact that the healthcare service is not a covered service under the health benefit plan.

23-99-913. Deemed approval.

If a healthcare insurer or self-insured health plan for employees of governmental entities fails to comply with this subchapter, the requested healthcare services shall be deemed authorized or approved.

23-99-914. Standardized form required.

(a) On and after January 1, 2014, to establish uniformity in the submission of prior authorization and nonmedical review forms, a healthcare insurer shall utilize only a single standardized prior authorization and nonmedical review form for obtaining approval in written or electronic form for prescription drug benefits.

(b) A healthcare insurer may make the form required under subsection (a) of this section accessible through multiple computer operating systems.

(c) The form required under subsection (a) of this section shall: (1) Not exceed two (2) pages; and

(2) Be designed to be submitted electronically from a prescribing provider to a healthcare insurer.

(d) This section does not prohibit prior authorization or nonmedical review by verbal means without a form.

(e) If a healthcare insurer fails to use or accept the form developed under this section or fails to respond as soon as reasonably possible, but no later than one (1) business day for prior authorizations for urgent healthcare services, sixty (60) minutes for emergency healthcare services, or seventy-two (72) hours for all other services, after receipt of a completed prior authorization or nonmedical review request using the form developed under this section, the prior authorization or nonmedical review request is deemed authorized or approved.

(f)(1) On and after January 1, 2014, each healthcare insurer shall submit its prior authorization and nonmedical review form to the State Insurance Department to be kept on file.

(2) A copy of a subsequent replacement or modification of a healthcare insurer's prior authorization and nonmedical review form shall be filed with the department within fifteen (15) days before the form is used or before implementation of the replacement or modification."

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 318 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 604** was withdrawn from the Committee on JUDICIARY, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 604

Amend **Senate Bill No. 604** as originally introduced:

Page 1, line 35, delete "prepared" and substitute "prepared within fifteen (15) days of filing and submitted to the University of Arkansas at Little Rock William H. Bowen School of Law"

AND

Page 2, delete lines 5 through 13, and substitute the following:

"(b)(1)(A) The Office of Economic and Tax Policy, with the University of Arkansas at Little Rock William H. Bowen School of Law and with appropriate research faculty in the University of Arkansas at Little Rock Department of Criminal Justice, shall prepare the racial impact statement required by this section.

(B) The Arkansas Sentencing Commission, Department of Correction, Administrative Office of the Courts, and the Arkansas Crime Information Center shall cooperate fully with the University of Arkansas at Little Rock William H. Bowen School of Law and the University of Arkansas at Little Rock Department of Criminal Justice research faculty by providing data possessed by those agencies that are requested to complete the racial impact statements under this section."

AND

Page 3, line 12, add the following:

"(3) If an emergency situation arises necessitating the need for legislation to be considered immediately, the requirement for a racial impact statement under this section may be waived by a two-thirds (2/3) majority vote of the committee to which the bill is assigned."

(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. 604 was ordered engrossed.

On motion of Senator Hendren, **Senate Bill No. 643** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 643

Amend **Senate Bill No. 643** as originally introduced:

Page 1, delete lines 9 through 11 in their entirety and substitute the following:
 "EDUCATION FOR GRANTS AND AID FOR OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES FUNDING AID PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30,"

And

Page 1, delete lines 17 through 19 in their entirety and substitute the following:
 "GRANTS AND AID - OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES FUNDING AID PROGRAM APPROPRIATION FOR THE"

And

Page 1, line 25, delete "PER-PUPIL FACILITY ASSISTANCE" and substitute
 "OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES FUNDING AID PROGRAM"

And

Page 1, line 27 delete "to"

And

Page 1, delete lines 28 and 29 in their entirety and substitute the following:
 "for open-enrollment public charter schools for the Open-Enrollment Public Charter School Facilities Funding Aid Program for the fiscal year ending June 30, 2016, the following:"

And

Page 1, delete lines 33 through 35 in their entirety and substitute the following:
 "(01) OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
 FACILITIES FUNDING AID PROGRAM -
 GRANTS AND AID \$15,000,000"

And

Insert an additional SECTION immediately following SECTION 1 to read as follows:

" SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. Immediately upon the effective date of this Act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of State the sum of five million dollars (\$5,000,000) from the Open-Enrollment Public Charter School Facilities Loan Fund to the Department of Education Public School Fund Account for grants and aid for open-enrollment public charter schools for the Open-Enrollment Public Charter School Facilities Funding Aid Program, to be used exclusively for the appropriation in this Act."

And appropriately renumber the subsequent SECTION numbers of the bill.

(SIGNED) SENATOR JIM HENDREN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 643 was ordered engrossed.

On motion of Senator Hendren, **Senate Bill No. 644** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 644

Amend **Senate Bill No. 644** as originally introduced:

Page 1, delete lines 28 through 30 in their entirety and substitute the following:

" (A) For a transfer to the Department of Education Public School Fund Account for grants and aid for open-enrollment public charter schools for the Open-Enrollment Public Charter School Facilities Funding Aid Program, in a sum not to exceed".

(SIGNED) SENATOR JIM HENDREN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 644 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 711** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 711

Amend **Senate Bill No. 711** as originally introduced:

Page 1, line 25, between "for" and "renovation", insert the following:
"personal services, operating expenses,"

(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. 711 was ordered engrossed.

On motion of Senator Caldwell, **SENATE Bill No. 849** was withdrawn from the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, and placed on the Calendar.

Without objection, **Senate Bill No. 849** was withdrawn by the author, Senator Caldwell.



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
ASA HUTCHINSON, GOVERNOR
State Capitol
Little Rock 72201

March 11, 2015

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform you that on March 11, 2015, I approved the following measures from the Regular Session of the Ninetieth General Assembly:

SB161 - Act 381

SB183 - Act 382

SB215 - Act 383

SB223 - Act 384

SB320 - Act 385

SB354 - Act 386

SB481 - Act 387

Sincerely,

(SIGNED) ASA HUTCHINSON

ASA HUTCHINSON
Governor

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 212, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 273, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 318, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 604, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 643, BY SENATOR JIM HENDREN,
SENATE BILL NO. 644, BY SENATOR JIM HENDREN,
SENATE BILL NO. 711, 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 Elliott, **Senate Bill No. 212** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Irvin, **Senate Bill No. 273** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Irvin, **Senate Bill No. 318** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Elliott, [Senate Bill No. 604](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Hendren, [Senate Bill No. 643](#) was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Hendren, [Senate Bill No. 644](#) was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Elliott, [Senate Bill No. 711](#) was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Chesterfield, the Senate resolved itself into the Committee of the Whole for the purpose of recognizing members of Alpha Kappa Alpha.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator Chesterfield, **Senate Resolution No. 15** was called up for third reading and final disposition.

**SENATE RESOLUTION NO. 15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR L. CHESTERFIELD**

SENATE RESOLUTION TO COMMEND ALPHA KAPPA ALPHA SORORITY, INC., FOR ITS SERVICE WORK AND CONTRIBUTIONS TO ITS COMMUNITIES; AND TO DESIGNATE MARCH 12, 2015, AS ALPHA KAPPA ALPHA DAY AT THE ARKANSAS STATE CAPITOL.

Senate Resolution No. 15 was placed on third reading and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

On motion of Senator Chesterfield the Senate recessed until 11:30 a.m.

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

On motion of Senator English, the Senate resolved itself into the Committee of the Whole for the purpose of presenting Chinese delegation of teachers in Arkansas.

Without objection, the Committee of the Whole was dissolved, and the Senate took up its regular order of business.

On motion of Senator English the Senate recessed until 11:45 a.m..

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

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, to whom was referred:

SENATE BILL NO. 901, BY SENATOR BART HESTER,
SENATE BILL NO. 910, BY SENATOR BART HESTER,

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 RONALD CALDWELL, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, to whom was referred:

SENATE BILL NO. 855, BY SENATOR DAVID SANDERS,

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 RONALD CALDWELL, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, to whom was referred:

HOUSE BILL NO. 1519, BY REPRESENTATIVE HAMMER,

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 RONALD CALDWELL, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 837, 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.

Respectfully submitted,

(SIGNED) SENATOR KEITH INGRAM, PRESIDER

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 903, BY SENATOR BART HESTER,

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 MISSY IRVIN, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 540, BY SENATOR JAKE FILES,
SENATE BILL NO. 563, 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. 1.

Respectfully submitted,

(SIGNED) SENATOR MISSY IRVIN, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

HOUSE BILL NO. 1418, BY REPRESENTATIVE D. WHITAKER,
HOUSE BILL NO. 1445, BY REPRESENTATIVE 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 MISSY IRVIN, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

HOUSE BILL NO. 1367, BY REPRESENTATIVE HAMMER,

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 KEITH INGRAM, PRESIDER

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 882, BY SENATOR JASON RAPERT,

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 TERRY RICE, VICE-CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 767, BY SENATOR JASON RAPERT,

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 TERRY RICE, VICE-CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on INSURANCE & COMMERCE, to whom was referred:

SENATE BILL NO. 935, BY SENATOR TERRY RICE,

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 JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 62, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 63, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 136, BY JOINT BUDGET COMMITTEE,
SENATE BILL NO. 357, BY SENATOR JASON RAPERT,
SENATE BILL NO. 364, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 397, BY SENATOR JASON RAPERT,
SENATE BILL NO. 398, BY SENATOR JASON RAPERT,
SENATE BILL NO. 399, BY SENATOR JASON RAPERT,
SENATE BILL NO. 400, BY SENATOR JASON RAPERT,
SENATE BILL NO. 465, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 482, BY SENATOR EDDIE JOE WILLIAMS,
SENATE BILL NO. 494, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 495, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 496, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 497, BY SENATOR LINDA CHESTERFIELD,
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SENATE BILL NO. 502, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 504, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 505, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 506, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 507, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 508, BY SENATOR LINDA CHESTERFIELD,

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, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 523, BY SENATOR EDDIE JOE WILLIAMS,
SENATE BILL NO. 530, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 531, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 532, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 533, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 534, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 578, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 579, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 580, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 581, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 582, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 588, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 589, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 590, BY SENATOR ALAN CLARK,
SENATE BILL NO. 608, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 609, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 621, BY SENATOR BOBBY PIERCE,
SENATE BILL NO. 638, BY SENATOR JON WOODS,
SENATE BILL NO. 639, BY SENATOR JON WOODS,
SENATE BILL NO. 640, BY SENATOR JON WOODS,
SENATE BILL NO. 651, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 652, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 653, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 659, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 662, BY SENATOR JIMMY HICKEY,
SENATE BILL NO. 665, BY SENATOR BOBBY PIERCE,

SENATE BILL NO. 666, BY SENATOR BOBBY PIERCE,
SENATE BILL NO. 670, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 671, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 674, BY SENATOR JON WOODS,
SENATE BILL NO. 675, BY SENATOR JON WOODS,
SENATE BILL NO. 678, BY SENATOR JON WOODS,
SENATE BILL NO. 679, BY SENATOR DAVID JOHNSON,

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, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on JOINT BUDGET, to whom was referred:

SENATE BILL NO. 693, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 694, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 699, BY SENATOR BRUCE MALOCH,
SENATE BILL NO. 704, BY SENATOR JASON RAPERT,
SENATE BILL NO. 705, BY SENATOR JASON RAPERT,
SENATE BILL NO. 706, BY SENATOR JASON RAPERT,
SENATE BILL NO. 707, BY SENATOR JASON RAPERT,
SENATE BILL NO. 708, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 709, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 710, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 714, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 728, BY SENATOR JON WOODS,
SENATE BILL NO. 732, BY SENATOR LINDA CHESTERFIELD,
SENATE BILL NO. 734, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 739, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 740, BY SENATOR BOBBY PIERCE,

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, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 823, BY SENATOR JIM HENDREN,

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 EDDIE JOE WILLIAMS, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 373, BY SENATOR JANE ENGLISH,

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

Respectfully submitted,

(SIGNED) SENATOR EDDIE JOE WILLIAMS, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 424, BY SENATOR BLAKE JOHNSON,

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 EDDIE JOE WILLIAMS, CHAIRMAN

On motion of Senator Bledsoe, **Senate Bill No. 133** was placed back on
second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 133

Amend **Senate Bill No. 133** as engrossed, S3/3/15

Page 2, delete lines 22 and 23 and substitute the following:

"(3) "Originating site" means:

(A) The offices of a healthcare professional or a licensed
healthcare entity where the patient is located at the time services are provided by a
healthcare professional through telemedicine; and

(B) The home of a patient in connection with treatment for end-
stage renal disease;"

AND

Page 3, line 18, delete "consultation, treatment, education, care management," and
substitute "consultation, or treatment"

AND

Page 3, line 19, delete "or self-management"

AND

Page 5, line 10, delete "Governmental plans" and substitute "Non-federal governmental plans"

AND

Page 5, delete lines 30 and 31 and substitute the following:

"(4) "Originating site" means:

(A) The offices of a healthcare professional or a licensed healthcare entity where the patient is located at the time services are provided by a healthcare professional through telemedicine; and

(B) The home of a patient in connection with treatment for end-stage renal disease; and"

AND

Page 5, line 36, delete "consultation, treatment, education, care management," and substitute "consultation, or treatment"

AND

Page 6, line 1, delete "or self-management"

AND

Page 6, delete lines 12 through 22 and substitute the following:

"(b) A healthcare service provided through telemedicine shall comply with the requirements of § 17-80-117.

(c)(1) A health benefit plan shall cover the services of a physician who is licensed by the Arkansas State Medical Board for healthcare services through telemedicine on the same basis as the health benefit plan provides coverage for the same healthcare services provided by the physician in person.

(2) Subject to subdivision (d)(1) of this section, a health benefit plan shall reimburse a physician licensed by the board for healthcare services provided through telemedicine on the same basis as the health benefit plan reimburses a physician for the same healthcare services provided in person."

AND

Page 6, line 23, delete "(e)(1)" and substitute "(d)(1)"

AND

Page 6, delete lines 32 and 33 and substitute the following:

"(i) A health benefit plan from reimbursing other healthcare professionals; or"

AND

Page 6, line 35, delete "in additional" and substitute "in addition"

AND

Page 7, line 4, delete "(f)" and substitute "(e)"

AND

Page 7, line 16, delete "(g)" and substitute "(f)"

AND

Page 7, line 33, delete "(h)(1)" and substitute "(g)(1)"

(SIGNED) SENATOR CECILE BLEDSOE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 133 was ordered engrossed.

On motion of Senator Sample, **Senate Bill No. 145** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 145

Amend **Senate Bill No. 145** as originally introduced:

Page 1, line 10, delete "MASSAGE;" and substitute "MASSAGE THERAPY;"

AND

Page 1, line 17, delete "MASSAGE." and substitute "MASSAGE THERAPY."

AND

Page 1, delete lines 22 through 24, and substitute the following:

" SECTION 1. DO NOT CODIFY.

(a)(1) The Arkansas State Board of Massage Therapy is abolished and transferred to the State Board of Health and the Department of Health by a type 3 transfer under § 25-2-106.

(2) As used in this act, the Department of Health shall be considered the principal department.

(b)(1) All authority, powers, duties, and functions as established by law for the Arkansas State Board of Massage Therapy, including all purchasing, budgeting, fiscal, accounting, human resources, payroll, legal, information systems, maintenance, program support, administrative support, and other management functions are transferred to the State Board of Health and the Department of Health, except as specified in this act.

(2) All records, personnel, property, unexpended balances of appropriations, allocations, or other funds are transferred to the Department of Health. All funds shall be deposited into the Public Health Fund.

(3) All powers, duties, and functions, including without limitation rulemaking, and licensing, promulgation of rules, rates, standards, and the rendering of findings, orders, and adjudications as established by law for the Arkansas State Board of Massage Therapy are transferred to the State Board of Health, except as specified by this act.

(c) The Arkansas Code Revision Commission shall replace "Arkansas State Board of Massage Therapy" in the Arkansas Code with "State Board of Health", except as specified in this act.

SECTION 2. Arkansas Code § 17-86-102(1), concerning the definition of "board", is repealed and the section shall be renumbered appropriately.

~~(1) "Board" means the Arkansas State Board of Massage Therapy;~~

SECTION 3. Arkansas Code § 17-86-102(3)(C)(i), concerning the definition of "massage therapist", is amended to read as follows:

(i) Instruct ~~board-approved~~ continuing education programs approved by the Department of Health; and

SECTION 4. Arkansas Code § 17-86-102(6) and (7), concerning the definitions of "massage therapy instructor" and "massage therapy school", are amended to read as follows:

~~(6)(A)~~(5)(A) "Massage therapy instructor" means a person who:

(i) Before July 1, 2010, has completed no less than two hundred fifty (250) hours of practical experience as a master massage therapist, which may be gained, in part or in whole, as an assistant to an instructor in a massage school or may be gained, in part or in whole, as a directed instructor in a massage school and has completed no less than two hundred fifty (250) continuing education hours as approved by the ~~board~~ Department of Health;

(ii) On or after July 1, 2010, has been an active and practicing licensee and registered as a master massage therapist for a period of not less than three (3) years preceding the application for an upgrade to massage therapy instructor;

(iii) On or after July 1, 2010, in addition to the experience under subdivision ~~(6)(A)(i)~~(5)(A)(i) of this section, has completed no less than two hundred fifty (250) continuing education hours as approved by the ~~board~~ department as a licensed master massage therapist; and

(iv) Is determined by the ~~board~~ department to be qualified to be licensed and registered to practice massage therapy.

(B) "Massage therapy instructor" includes a person who has previously obtained the massage therapy instructor license under prior state law.

(C) Massage therapy instructors may:

(i) Instruct ~~board-approved~~ continuing education programs approved by the department;

(ii) Instruct any of the procedures in subdivision ~~(5)~~ (4) of this section; and

(iii) Instruct basic curricula in a ~~board-registered~~ massage therapy school registered by the department as required by § 17-86-306(e);

~~(7)(6)~~ "Massage therapy school" means a registered and licensed facility that meets and follows the required educational standards as established by § 17-86-306 and all pertinent rules established by the ~~board~~ State Board of Health;

SECTION 5. Arkansas Code § 17-86-102(9), concerning the definition of "master massage therapist", is amended to read as follows:

~~(9)(A)~~(8)(A) "Master massage therapist" means a person who:

(i) Before July 1, 2010, is a licensed and registered massage therapist who has completed no fewer than two hundred fifty (250) hours of practical experience as a massage therapist, which may be gained in part or in whole as an assistant to an instructor in a massage school and has completed no less than one hundred twenty-five (125) continuing education hours as approved by the ~~board~~ Department of Health;

(ii) On or after July 1, 2010, has been an active and practicing licensee and registered as a massage therapist for a period of not less than two (2) years preceding the application for an upgrade to master massage therapist;

(iii) On or after July 1, 2010, in addition to the experience under subdivision ~~(9)(A)(i)~~(8)(A)(i) of this section, has completed no less than one hundred twenty-five (125) continuing education hours as approved by the ~~board~~ Department of Health; and

(iv) Is determined by the ~~board~~ Department of Health to be qualified to be licensed and registered to practice massage therapy.

(B) "Master massage therapist" includes a person who has previously obtained the master massage therapist license under a prior state law.

(C) Master massage therapists may:

- (i) Instruct ~~board-approved~~ continuing education programs approved by the Department of Health;
- (ii) Instruct any of the procedures in subdivision ~~(5)~~ (4) of this section; and
- (iii) Instruct, as directed by a massage therapy instructor, basic curricula in a ~~board-registered~~ massage therapy school registered by the Department of Health as required by § 17-86-306(e);

SECTION 6. Arkansas Code § 17-86-102, concerning definitions, is amended to add an additional subdivision to read as follows:

- (11) "Postsecondary massage therapy school" means a massage therapy school that:
- (A) Offers a postsecondary curriculum approved by the State Board of Health; and
- (B) Has an enrollment in which no more than fifty percent (50%) of its students do not have a high school diploma or the recognized equivalent of a high school diploma.

SECTION 7. Arkansas Code § 17-86-103 is amended to read as follows:
17-86-103. Penalties.

(a) Any person who shall violate any of the provisions of this chapter shall be found guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding one thousand five hundred dollars (\$1,500), or by both fine and imprisonment, at the discretion of the court.

(b) It shall be the duty of the prosecuting attorney in the county where the violation occurs, upon request by the ~~Arkansas State Board of Massage Therapy~~ Department of Health, to initiate proper legal proceedings in a court of competent jurisdiction to enforce the provisions of this chapter.

(c) The courts of this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of massage therapy and related techniques in a proceeding by the ~~board~~ department or by any citizen of this state in the county in which the alleged unlawful practice occurred or in which the defendant resides or in Pulaski County. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this chapter, but the remedy of injunction shall be in addition to liability to criminal prosecution.

SECTION 8. Arkansas Code § 17-86-201 is amended to read as follows:
17-86-201. Members.

(a)(1) The ~~Arkansas State Board of Massage Therapy~~ Technical Advisory Committee shall consist of seven (7) members, who shall be appointed by the ~~Governor~~ State Board of Health for a term of three (3) years.

~~(2)(A) Six (6) of the members shall be licensees under this chapter. These members shall be full voting members.~~

~~(B)(i) Only one (1) of the members shall be an owner of a massage therapy school.~~

~~(ii) The member appointed under subdivision (a)(2)(B)(i) of this section shall be a full voting member.~~

(3) One (1) member, to represent the public, shall not be engaged in or retired from the practice of massage therapy. ~~This member shall be a full voting member.~~

~~(4)(A) A board member shall begin his or her appointed term on August 20 of the year in which he or she is appointed.~~

~~(B) Board members appointed to their positions shall be selected in equal apportionment from the congressional districts of the state as provided in § 25-16-801 and shall be subject to confirmation by the Senate.~~

~~(C) A board position becomes vacant immediately when the member filling that position moves to another state.~~

~~(D)(i) The initial terms of the appointed members of the board shall be determined by lot so that three (3) members have a three-year term and two (2) members have a two-year term.~~

~~(ii) A person who served on the board is not eligible for an initial appointment.~~

~~(5) Board members shall not serve more than six (6) consecutive years on the board.~~

~~(b) The Governor may remove members of the board from office according to § 25-16-804. The Governor shall fill any vacancy caused by the removal of any member of the board, by a member's resignation or death, or upon the expiration of a member's term.~~

~~(c)(1) A member shall be paid and receive a fee of no less than sixty dollars (\$60.00) per diem for each day actually engaged in attending board meetings or performing other official duties.~~

~~(2) All board members shall receive reimbursement for all reasonable and necessary travel at the rate approved for state employees. Lodging and other expenses incurred in the performance of their official duties will also be paid on the approved scale for state employees.~~

~~(4) The State Board of Health shall promulgate by rule the duties and powers of the committee.~~

SECTION 9. Arkansas Code § 17-86-202 is amended to read as follows:

17-86-202. Officers and employees Employees.

~~(a)(1)(A) Arkansas State Board of Massage Therapy officers, elected by the board from among their own members, shall be a president, a vice president, and a secretary.~~

~~(B) Election of an officer or officers shall take place during a regularly scheduled board meeting or during a special nonconference call board meeting. An election to fill a vacancy in an elected office will take place during the first regularly scheduled meeting or during the first special nonconference call meeting immediately following the creation of the vacancy.~~

~~(2) Board officers may be removed from their elected offices for failure to fulfill the duties of their respective offices. Removal of such a board member from his or her elected office will be considered in an executive session as provided by § 25-19-106. The executive session will be called by the board during a regular or special nonconference call meeting. If a motion to remove the board member from his or her elected office is arrived at in the executive session, members will reconvene in accordance with § 25-19-106 in the public meeting to vote to remove the board member from his or her elected office.~~

~~(b) The board is authorized to~~

~~(a) The Department of Health may employ an executive director, regular or special counsel, inspectors, clerks, secretaries, and other personnel as it may deem deems necessary to carry out the provisions of this chapter. At no time shall the executive director, counsel, inspectors, clerks, secretaries, and other personnel exceed ten (10) employees, and no~~

~~(b) An employee of the board shall be a board member, related by blood or marriage to any member of the board, be an employee of a board member, or under this section shall not have any financial interest in the practice or instruction of massage therapy.~~

SECTION 10. Arkansas Code § 17-86-203 is amended to read as follows:

17-86-203. Powers and duties.

(a)(1) ~~The Arkansas State Board of Massage Therapy~~ State Board of Health may promulgate and enforce reasonable rules for the purpose of carrying out this chapter.

(2) ~~The Arkansas State Board of Massage Therapy~~ board shall follow the Arkansas Administrative Procedure Act, § 25-15-201 et seq., as to “rule” and “rule-making” definitions and for the adoption and filing of rules.

~~(3) For the purpose of governing health and safety, the rules shall meet minimum requirements of the law and rules of the State Board of Health.~~

(b)(1)(A) ~~The Arkansas State Board of Massage Therapy~~ Department of Health shall inspect or cause an inspection of student records at least one (1) time each year for each massage therapy school operated in this state.

(B) ~~The Arkansas State Board of Massage Therapy~~ Department of Health and its agents and employees may enter and inspect a massage therapy clinic, spa, or school during operating hours of the business.

(2) ~~The Arkansas State Board of Massage Therapy~~ Department of Health and its agents and employees shall not request or be granted permission to enter a room of a massage therapy clinic, spa, or school in which a client is receiving treatment from a licensee under this chapter.

(c) ~~The Arkansas State Board of Massage Therapy~~ Department of Health may hold licensing examinations from time to time at a place or places as the ~~Arkansas State Board of Massage Therapy~~ department may designate.

(d)(1) ~~The Arkansas State Board of Massage Therapy~~ Department of Health may require each original applicant and each upgrade applicant for a license issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health to apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation;

(2) The state and federal criminal background check shall conform to applicable federal standards and shall include the taking of fingerprints;

(3) The applicant shall sign a release of information to the ~~Arkansas State Board of Massage Therapy~~ Department of Health and shall be responsible for the payment of any fees associated with the state and federal criminal background check;

(4)(A) Each applicant who has resided outside of Arkansas shall provide a state and federal criminal background check, including the taking of fingerprints, issued by the state or states in which the applicant resided.

(B) Results shall be sent directly to the ~~Arkansas State Board of Massage Therapy~~ Department of Health from the agency performing the state and federal criminal background check.

(e)(1) For purposes of this section, an applicant is not eligible to receive or hold a license issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health if the applicant has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor or any offense involving fraud, theft, or dishonesty.

(2) A provision of this section may be waived by the ~~Arkansas State Board of Massage Therapy~~ Department of Health if:

(A) The conviction is for a Class A misdemeanor and:

(i) The completion of the applicant’s sentence and probation or completion of the applicant’s sentence or probation of the offense is at least three (3) years from the date of the application; and

(ii) The applicant has no criminal convictions during the three-year period; or

(B) The conviction is for a felony of any classification and:

(i) The completion of the applicant’s sentence and probation or the completion of the applicant’s sentence or probation of the offense is at least five (5) years from the date of the application; and

(ii) The applicant has no criminal convictions during the five-year period.

(f) The ~~Arkansas State Board of Massage Therapy~~ Department of Health may permit an applicant to be licensed regardless of having been convicted of an offense listed in this section, upon making a determination that the applicant does not pose a risk of harm to any person served by the ~~Arkansas State Board of Massage Therapy~~ Department of Health.

(g) In making a determination under subsection (f) of this section, the ~~Arkansas State Board of Massage Therapy~~ Department of Health may consider the following factors:

- (1) The nature and severity of the crime;
- (2) The consequences of the crime;
- (3) The number and frequency of crimes;
- (4) The relationship between the crime and the health, safety, and welfare of persons served by the agency, such as:
 - (A) The age and vulnerability of victims of the crime;
 - (B) The harm suffered by the victim; and
 - (C) The similarity between the victim and persons served by the ~~Arkansas State Board of Massage Therapy~~ Department of Health;
- (5) The time elapsed without a repeat of the same or similar event;
- (6) Documentation of successful completion of training or rehabilitation pertinent to the incident; and
- (7) Any other information that bears on the applicant's ability to care for others or other relevant information.

(h) If the ~~Arkansas State Board of Massage Therapy~~ Department of Health waives the provisions of subsection (e) of this section, the ~~Arkansas State Board of Massage Therapy~~ department shall submit the reasons for waiving this provision in writing, and the determination and reasons shall be made available to the members of the ~~Arkansas State Board of Massage Therapy~~ department for review.

SECTION 11. Arkansas Code § 17-86-204 is amended to read as follows:
17-86-204. Records.

(a)(1) The ~~Executive Director of the Arkansas State Board of Massage Therapy~~ Department of Health shall maintain a record book and computer file in which will be entered the names and addresses of all persons to whom licenses have been granted under this chapter, the license number, and the dates of granting such licenses and renewals thereof, and other matters of record.

(2) The ~~executive director~~ department will move to a separate book and file the records of all persons who have died, have let their licenses lapse for three (3) years, whose licenses have been suspended or revoked by the ~~Arkansas State Board of Massage Therapy~~ department, or cancelled by the licensee.

(b) The record books and computer files so provided and maintained shall be deemed and considered a book of records and files of records, and they will be kept in a timely manner. A transcript of any record therein or a license number or date of granting such a license to a person charged with a violation of any of the provisions of this chapter shall be admitted as evidence in any of the courts of this state if certified ~~under the hand of the executive director~~ by the department.

(c)(1) The original books, records, and papers of the ~~board~~ department shall be maintained at the offices of the ~~board~~ department.

(2) A school that closes shall immediately submit all student transcripts to the ~~board~~ department office.

(d) Copies of records may be furnished to any person requesting them upon payment of such copying fee as the ~~board~~ department may require and as Arkansas state laws and regulations permit. However, licensing exams shall be exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 12. Arkansas Code § 17-86-205 is amended to read as follows:
17-86-205. Disposition of funds.

(a)(1) ~~All moneys remitted to the Arkansas State Board of Massage Therapy~~ Department of Health under this chapter shall be accepted in the form of cashiers checks or money orders and made payable to the ~~Arkansas State Board of Massage Therapy~~. ~~The Executive Director of the Arkansas State Board of Massage Therapy~~ Department of Health.

(2) The Department of Health shall deposit all such funds received in a timely manner in accordance with laws of the State of Arkansas and regulations of the Department of Finance and Administration.

~~(b) All salaries and expenses of the board shall be paid from funds created by the various fees charged by and remitted to the board under the provisions of this chapter.~~

(b)(1) All moneys received under this chapter shall be paid into the State Treasury and shall be credited to the Public Health Fund for the general uses of the Department of Health.

(2) Salaries and other expenses necessarily incurred in carrying into effect the provisions of this chapter and other programs administered by the Department of Health shall be paid from the moneys received.

SECTION 13. Arkansas Code § 17-86-301 is amended to read as follows:
17-86-301. Registration required — Exemptions.

(a) It shall be unlawful:

(1)(A) For any person who does not hold a valid license to use the following titles: massage therapist, massage practitioner, myotherapist, masso therapist, massage technologist, masseur, masseuse, therapy technologist, master massage therapist, massage therapy instructor, or any derivation of those titles or to advertise such titles; or

(B) For any person who does not hold the applicable license issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health to engage professionally for payment, barter, donation, or exchange in the practice or instruction of massage therapy as defined in this chapter;

(2) For any person to operate or conduct any massage therapy clinic or massage therapy school which does not conform to the sanitary regulations contained in § 17-86-302, in state law, in local ordinances, or in those rules and regulations which may be adopted by the ~~board~~ State Board of Health;

(3) To employ any person to practice or instruct under this chapter who does not hold a valid license issued by the ~~board~~ department;

(4) For any person to operate a massage therapy school or clinic without its first being registered under the provisions of this chapter as a licensed massage therapy school or registered clinic; or

(5) For the ~~board~~ department or other individual or entity to incorporate privileges or certification requirements of any private organization, private professional association, or private accrediting agency within Arkansas massage laws or its rules and regulations. However, the ~~board~~ department may adopt as its licensure exam an exam drafted and administered by a private organization, private professional association, or private accreditation agency.

(b) Exemptions:

(1) Persons authorized by the laws of this state to practice medicine, osteopathy, podiatry, or physical therapy, and licensed physicians' assistants, licensed nurses, licensed physical therapy assistants, licensed acupuncturists, licensed midwives, and chiropractors are exempt from this chapter in so far as massage therapy practices are offered or instructed within the scope and under the provisions of licensure;

(2) Persons authorized by the ~~board~~ department to present and instruct ~~board-approved~~ department-approved school curriculum or continuing education

programs, or both, may present and instruct such ~~board-approved~~ department-approved curriculum and programs for payment and in the presentation and instruction may utilize practices defined in, but without being licensed or registered under, the provisions of this chapter; and

(3) The practice of massage therapy that is incidental to a program of study by students enrolled in a licensed massage therapy school approved by the ~~board~~ department, and under direct supervision of a licensee employed as an instructor at the school, is exempt from § 17-86-311(a)(10).

(c)(1) A licensee shall notify the ~~board~~ department in writing of any change of name, address, phone number, or place of employment.

(2) If a name change is requested, a new license shall be issued in the new name at the next renewal date or immediately for a fee not to exceed twenty dollars (\$20.00) for printing of a new license.

(3) Valid government-issued photo identification is required for each name change request.

SECTION 14. Arkansas Code § 17-86-303 is amended to read as follows:
17-86-303. Massage therapist.

(a) In order to be licensed as a massage therapist, the person seeking licensure shall:

(1) Furnish to the ~~Arkansas State Board of Massage Therapy~~ Department of Health satisfactory proof that he or she is eighteen (18) years of age or older and of good moral character;

(2) Make oath that he or she has not been convicted of, found guilty of, or entered a plea of guilty or nolo contendere to any offense that would constitute a felony or constitute the offense of prostitution, either in this state or the United States, and submit a signed authorization to investigate and have information released to the ~~board~~ department;

(3) Present:

(A) A valid photo identification or driver's license, or both; and

(B) A social security card issued in the same name as the applicant or licensee;

(4)(A) Present a high school diploma, Certificate of General Educational Development, or college transcript and credentials issued by a ~~board-accepted~~ department-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction.

(B) An applicant shall not submit his or her transcript directly to the ~~board~~ department office.

(C) An applicant shall have the massage therapy school submit the transcript directly to the ~~board~~ department office.

(D)(i) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained.

(ii) Other documentation of credentials may be submitted and accepted for licensure at the discretion of the ~~board~~ department;

(5) Furnish to the ~~board~~ department satisfactory proof of passing an examination recognized and approved by the ~~board~~ department;

(6) Present a negative test for tuberculosis that is current at the time of licensure; and

(7) Pay the specified fees, which shall accompany a completed notarized application to the ~~board~~ department.

(b) Fees are as follows:

(1) Application fee.....\$75.00 Nonrefundable

(2) Original license fee.....80.00

(3) Biennial renewal.....80.00

(4) Examination fee or reexamination fee.....25.00

- (5) Duplicate license fee.....10.00
- (6) Pocket card fee not to exceed ten dollars (\$10.00)

(c) A person shall not practice massage therapy until his or her official license has been received from the ~~board~~ department.

(d) A person who attempts to procure or does procure a license in violation of this section shall be subject to the penalties provided for in § 17-86-103.

SECTION 15. Arkansas Code § 17-86-304(a), concerning licensure as a master massage therapist, is amended to read as follows:

(a) A person who holds a license as a massage therapist issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health and who submits satisfactory evidence to the ~~board~~ department that he or she has completed and meets the requirements stated in § 17-86-102 is entitled to be upgraded to master massage therapist.

SECTION 16. Arkansas Code § 17-86-305(a), concerning licensure as a massage therapy instructor, is amended to read as follows:

(a) A person who holds a license as a master massage therapist issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health and who submits satisfactory evidence to the ~~board~~ department that he or she has successfully completed and meets the requirements stated in § 17-86-102 shall be entitled to be upgraded to massage therapy instructor.

SECTION 17. Arkansas Code § 17-86-306 is amended to read as follows:
17-86-306. Massage therapy school.

(a) A person shall not establish, operate, or maintain a massage therapy school without first having obtained a certificate of massage therapy school licensure issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health.

(b) A massage therapy school shall not be approved by the ~~board~~ department or granted a certificate of licensure until the appropriate application and inspection forms as prescribed by the ~~board~~ department have been completed and approved and the licensure fee has been paid.

(c)(1) Inspection of the school premises shall be made by ~~a board member or board designee~~ the department, to include without limitation proof of required forms completed and returned to the ~~Executive Director of the Arkansas State Board of Massage Therapy~~ department with approval or recommendations.

(2) Should the school facilities not pass the first inspection and, after recommendations, failures are corrected, a second inspection will be made within thirty (30) days to determine the school's eligibility.

(d)(1) Schools shall require a physical examination by a medical doctor that the student poses no health risk to give and receive massage.

(2) The school shall be required to maintain proof of the examination and furnish additional information and documents as may be required by the ~~board~~ department or its appointee during the inspection.

(e) The ~~board~~ department may certify the school and provide for licensure thereof if the school follows a curriculum ~~approved by the board~~ consisting of not fewer than five hundred (500) hours of in-classroom instruction over a term of not fewer than four (4) months consisting of the following subjects:

- (1) One hundred seventy-five (175) hours of anatomy, physiology, pathology, and contraindications to massage therapy;
- (2) Two hundred twenty-five (225) hours of technique;
- (3) Twenty-five (25) hours of hydrotherapy, electrotherapy, and heliotherapy;
- (4) Twenty-five (25) hours of hygiene and infection control;
- (5) Twenty-five (25) hours of massage therapy law, business management, and professional ethics; and

(6) Twenty-five (25) hours of related subjects as approved by the ~~board~~ department.

(f)(1) The fee for establishing a school shall not exceed one thousand dollars (\$1,000).

(2) The initial inspection fee for each school shall not exceed one hundred dollars (\$100).

(3) The annual renewal and inspection fee for each school shall not exceed one hundred dollars (\$100).

(g) The curriculum established in subsection (e) of this section shall be followed for all massage therapy programs.

(h)(1) The State Board of Health shall promulgate rules setting a standard educational curriculum for schools of massage.

(2) The standard educational curriculum shall distinguish between secondary and postsecondary educational requirements for the schools of massage.

SECTION 18. Arkansas Code § 17-86-306 is amended to add an additional subdivision to be enacted pursuant to the emergency stated in Section 31 of this act to read as follows:

(h)(1) The Arkansas State Board of Massage Therapy shall promulgate rules setting a standard educational curriculum for schools of massage.

(2) The standard educational curriculum shall distinguish between secondary and postsecondary educational requirements for the schools of massage.

SECTION 19. Arkansas Code § 17-86-307 is amended to read as follows:
17-86-307. Massage therapy clinic and spa.

(a) A person shall not establish, maintain, or operate a massage therapy clinic or massage therapy spa, or both, until the address and telephone number of the office, clinic, or spa have been supplied in writing to the ~~Arkansas State Board of Massage Therapy~~ Department of Health.

(b) If a massage therapy clinic, massage therapy spa, or both moves to a new location or changes its phone number, the new address or phone number, or both, shall be submitted immediately to the ~~board~~ department in writing before operating the clinic or spa, or both, at the new address.

(c) The annual inspection fee for each clinic and spa shall not exceed seventy-five dollars (\$75.00).

SECTION 20. Arkansas Code § 17-86-308 is amended to read as follows:
17-86-308. Reciprocity.

(a)(1) ~~The Arkansas State Board of Massage Therapy~~ Department of Health may enter into reciprocal relations with other states and territories whose licensure requirements are substantially the same as those provided in this chapter.

(2)(A) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained.

(B) Other documentation of credentials may be submitted and accepted for licensure at the discretion of the ~~board~~ department.

(b)(1) An out-of-state applicant holding a current massage therapy license issued by another state and after receiving an Arkansas massage therapy license may apply for an upgrade to master massage therapist or massage therapy instructor by providing appropriate continuing education credits and experience gained before Arkansas licensure for ~~board~~ department approval.

(2) An upgrade request shall be made by submitting a complete application package and paying the fees required by this chapter.

SECTION 21. Arkansas Code § 17-86-309(a)(1)(B)(ii), concerning renewal of licenses, is amended to read as follows:

(ii)(a) If a license expires under subdivision (a)(1)(B)(i) of this section, the applicant shall submit a new application that requires the applicant to meet current requirements and successfully complete an examination recognized by the ~~Arkansas State Board of Massage Therapy~~ Department of Health.

(b) The ~~board~~ department shall issue a license effective as of the date of receipt of the late application and all new applicant fees.

(c) An individual licensee who is not currently in practice and who wishes to place his or her license on the inactive list may remain on the inactive list for not more than four (4) years without reexamination.

SECTION 22. Arkansas Code § 17-86-309(a)(4), concerning renewal of licenses, is amended to read as follows:

(4) Each renewal for licensees shall be accompanied by proof of no fewer than eighteen (18) hours of continuing education that have been approved by the ~~board~~ department.

SECTION 23. Arkansas Code § 17-86-309(d)(2)(B) and (e), concerning renewal of licenses, are amended to read as follows:

(B) Before the ~~board~~ department issues a new license to an applicant whose license has expired under subdivision (d)(2)(A) of this section, the applicant shall:

(i) Submit a new application that requires the applicant to meet current requirements; and

(ii) Successfully complete an examination recognized by the ~~board~~ department.

(e) The ~~board~~ department shall issue a license effective as of the date of receipt of the late application and all renewal fees, penalties, and required documentation.

SECTION 24. Arkansas Code § 17-86-309(f)(2), concerning renewal of licenses, is amended to read as follows:

(2) After the time allowed under subdivision (f)(1) of this section, all inactive licensees shall meet current requirements for licensure and must successfully complete an examination recognized by the ~~board~~ department before resuming the active practice of massage therapy.

SECTION 25. Arkansas Code § 17-86-309(i)(3) and (j), concerning renewal of licenses, are amended to read as follows:

(3) A licensee whose massage therapy school license has expired shall submit a new application to the ~~board~~ department with current requirements and fees.

(j)(1) Each application for continuing education programs shall be accompanied by an application fee not to exceed forty dollars (\$40.00).

(2)(A) A licensee holding a valid Arkansas massage therapy license may request ~~board~~ department approval of appropriate continuing education courses otherwise not approved by the ~~board~~ department.

(B) Courses shall meet similar standards as courses approved by the ~~board~~ department.

(C) Proof of residency shall accompany the request.

SECTION 26. Arkansas Code § 17-86-310(b) and (c), concerning display of license, are amended to read as follows:

(b) It is unlawful to tamper with or reduce in size an original massage therapy license issued by the ~~Arkansas State Board of Massage Therapy~~ Department of Health.

(c) Each license shall provide the correct address of the ~~board~~ department.

SECTION 27. Arkansas Code § 17-86-311 is amended to read as follows:
17-86-311. Disciplinary actions and penalties.

(a) The ~~Arkansas State Board of~~ Massage Therapy Technical Advisory Committee may deny, suspend, place on probation, or revoke a license upon any one (1) of the following grounds:

- (1) Conviction of, finding of guilt, or entry of a plea of guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution;
- (2) Malpractice or gross incompetency;
- (3) The use in advertisements of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims concerning the licensee's professional excellence or abilities;
- (4) Habitual drunkenness or habitual use of any illegal drugs;
- (5) Serving alcoholic beverages at the clinic or school in a room where massage therapy is being performed or in a massage therapy school;
- (6) Moral turpitude or immoral or unprofessional conduct;
- (7) Failure to comply with the ~~Arkansas State Board of~~ department's Massage Therapy Code of Ethics or any valid regulation or order of the ~~board~~ department;
- (8) Invasion of the field of practice of any profession for which a license is required, the diagnosis of ailments, diseases, or injuries of human beings, the performance of osseous adjustments, prescription of medications, or other breaches of the scope of practice of massage therapy;
- (9) Failure of any licensee to comply with this chapter; or
- (10) Failure to have licensed personnel to perform massage therapy techniques in his or her clinic or school.

(b)(1) The ~~board~~ State Board of Health shall establish by rule the penalty system to be imposed under this section.

(2) Whenever the ~~board~~ committee finds that the holder of a license, certificate of registration, or other permit issued by the ~~board~~ department is guilty of a violation of the rules of the ~~board~~ department or the laws of the state pertaining to any occupation, profession, or business licensed or regulated by the ~~board~~ department, the ~~board~~ committee may impose a penalty on the licensee or permit holder in lieu of suspension or revocation of license, certificate of registration, or other permit.

(3)(A) Upon imposition of a penalty in lieu of suspension or revocation of license, certificate of registration, or other permit, the ~~board~~ committee may require that the licensee or permit holder pay a penalty to the ~~board~~ department.

(B) The license, certificate of registration, or permit shall be suspended until the penalty is paid.

(4)(A) The penalty may be imposed in lieu of revocation or suspension of a license, certificate, or other permit only if the ~~board~~ committee formally finds that the public health, safety, welfare, and morals would not be impaired and that the payment of the penalty will achieve the desired disciplinary results.

(B) The minimum penalty imposed by the ~~board~~ committee in lieu of revocation or suspension of a license, certificate, or other permit shall be twenty-five dollars (\$25.00) and the maximum penalty one thousand dollars (\$1,000) per infraction.

(C) The authority of the ~~board~~ committee to impose penalties under this section is not affected by any other civil or criminal proceeding concerning the same violation.

(D) A person penalized by the ~~board~~ committee under this chapter may appeal any order of the ~~board~~ committee in the manner currently provided by law.

(E) In addition to any other sanctions authorized by this chapter, the ~~board~~ committee may impose a civil penalty as provided in this subsection

against any unlicensed person, firm, or corporation practicing or offering to practice any actions requiring licensure under this chapter.

(c)(1) The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct is prohibited.

(2) The ~~board~~ committee shall revoke the license of a person who engages in the practice of massage of the breasts unless the massage therapist:

(i) Engages in the practice of massage of the breasts for therapeutic and medical purposes including without limitation the reduction of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow; and

(ii) Has received at least forty-eight (48) hours of continuing education credits in lymphatic massage, myofascial massage, or oncology massage.

(3) A suspension of a license under subdivisions (c)(1) and (2) of this section shall be for a period of three (3) years.

(d)(1) Charges may be brought by any person, ~~or the board on its own motion may direct the Executive Director of the Arkansas State Board of Massage Therapy to prefer charges.~~

(2) Any accusation of any of the offenses enumerated in this section may be filed with the ~~executive director~~ committee. The accusations shall be in writing, signed by the accuser, and verified under oath.

(e) In denying, suspending, or revoking any license, the ~~board~~ committee shall afford any party review as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and as otherwise provided by the rules and regulations of the ~~board~~ State Board of Health.

SECTION 28. Arkansas Code § 17-86-312(a), concerning massage therapy fees, is amended to read as follows:

(a) All registration fees and other fees due the ~~Arkansas State Board of Massage Therapy~~ Department of Health shall be paid in accordance with the provisions of this chapter and all other laws and regulations of this state.

SECTION 29. Arkansas Code § 19-5-1215 is repealed.

~~19-5-1215. Massage Therapy Board Fund.~~

(a) ~~There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Massage Therapy Board Fund".~~

(b)(1) ~~This fund shall consist of those fees set out in § 17-86-201 et seq.~~

(2) ~~The fund shall be used for the administration and expenses of the Arkansas State Board of Massage Therapy as set out in § 17-86-201 et seq.~~

SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that massage therapy schools cannot qualify for certain federal grants and scholarships without the expedient enactment of Sections 6 and 18 of this act; that enrollment for the upcoming semester requires immediate enactment of Sections 6 and 18 of this act in order to ensure financial assistance to students in need. Therefore, an emergency is declared to exist, and Sections 6 and 18 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

SECTION 31. EFFECTIVE DATE.

(a) Sections 1-5, 7-17, and 19-30 of this act are effective on and after October 1, 2015.

(b) If the Emergency Clause in Section 31 of this bill does not pass by a vote of the General Assembly, then Section 6 of this bill is effective on and after October 1, 2015.

(SIGNED) SENATOR BRUCE SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 145 was ordered engrossed.

On motion of Senator D. Johnson, Senate Bill No. 154 was placed back on second reading for purpose of Amendment No. 3.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 3 to SENATE BILL NO. 154

Amend Senate Bill No. 154 as originally engrossed, S3/10/15:

Page 3, line 33, delete "and no more"

AND

Page 3, line 34, delete "than fifty (50) years of age"

(SIGNED) SENATOR D. JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 154 was ordered engrossed.

On motion of Senator Hutchinson, **Senate Bill No. 172** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 172

Amend **Senate Bill No. 172** as originally introduced:

Delete the title in its entirety and substitute:

"AN ACT TO ELIMINATE DUPLICATIVE LICENSING REQUIREMENTS OF ATTORNEYS WHO ENGAGE IN THE BUSINESS OF TITLE INSURANCE; TO REGULATE TITLE INSURANCE, TITLE INSURANCE AGENCIES AND AGENTS, AND ABSTRACTERS; TO CREATE THE ARKANSAS LAND TITLE COMMISSION TO REGULATE THE BUSINESS OF TITLE INSURANCE AND THE BUSINESS OF ABSTRACTING; TO ABOLISH THE ARKANSAS ABSTRACTERS' BOARD AND TRANSFER ITS DUTIES AND FUND BALANCE TO THE ARKANSAS LAND TITLE COMMISSION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO ELIMINATE DUPLICATIVE ATTORNEY TITLE INSURANCE LICENSING REQUIREMENTS; TO TRANSFER REGULATION OF TITLE INSURANCE, TITLE INSURANCE AGENCIES, TITLE INSURANCE AGENTS, AND ABSTRACTERS; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute the following:

" SECTION 1. DO NOT CODIFY. Arkansas Abstracters' Board abolished — Type 3 transfer to Arkansas Land Title Commission.

(a) The Arkansas Abstracters' Board created by Arkansas Code § 17-11-401 et seq. is abolished, and its powers and duties are transferred by a type 3 transfer, as defined under Arkansas Code § 25-2-106, to the Arkansas Land Title Commission established under this act.

(b) For purposes of this act, the Arkansas Land Title Commission shall be considered a principal department established by Acts 1971, No. 38.

SECTION 2. DO NOT CODIFY. Transfer of certain funds from State Insurance Department to Arkansas Land Title Commission.

(a) On July 1, 2015, all assets, unexpended balances, appropriations, allocations, and other funds held by the State insurance Department or the State Insurance Department Trust Fund that are derived from the Arkansas Title Insurance Act, § 23-103-401 et seq., as determined by the Chief Fiscal Officer of the State shall be transferred on the books of the Chief Fiscal Officer of the State, the Treasurer of State, and Auditor of State to the Arkansas Land Title Commission and the Arkansas Land Title Commission Fund.

(b) The fund balances transferred under this section shall be used by the Arkansas Land Title Commission for the purposes for which the fund balances were collected.

SECTION 3. DO NOT CODIFY. Transition of licenses, certificates of registration, and certificates of authority.

The licenses, certificates of registration, or certificate of authority of an individual granted a title insurance agent license or a certificate of registration or certificate of authority from the Arkansas Abstracters' Board to engage in the business of abstracting before the effective date of this act shall continue in full force and effect subject to the provisions of this act, including without limitation applicable residency requirements, but without the necessity to requalify for the license, certificate of registration, or certificate of authority.

SECTION 4. DO NOT CODIFY. Transition of duties and responsibilities from State Insurance Department.

On the effective date of this act, the Arkansas Land Title Commission shall have the powers and perform the duties previously exercised by the Insurance Commissioner under the Arkansas Title Insurance Act, § 23-103-401 et seq., except that the commissioner's regulation of and rules concerning the licensing and regulation of title insurance agents shall be administered and enforced by the commission until superseded by statute or by rule of the commission.

SECTION 5. Arkansas Code Title 17, Chapter 11, repealed.
Subchapter 1—General Provisions

17-11-101. Title.

This chapter shall be known and may be cited as the "Abstracters' Licensing Law of 1969".

17-11-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Abstract of title" means a compilation in orderly arrangement of the materials and facts of record affecting the title to a specific piece of land, issued under a certificate certifying to the matters therein contained;

(2)(A) "Abstract plant" means a set of records in which an entry has been made of all documents or matters which under the law impart constructive notice of matters affecting title to all real property or any interest therein or encumbrances thereon, which have been filed or recorded in the county or district thereof for which a title plant is maintained from earliest records available in the county or district thereof and continually thereafter.

(B) Such records shall consist of an index or indices in which notations of or references to any documents that describe the property affected thereby are posted, entered, or otherwise included, according to the property described therein or copies or briefs of all documents that describe the property affected thereby which are sorted and filed according to the property described therein;

~~(3) "Business of abstracting" means the making, compiling, or selling of abstracts of title or title evidence purporting to be based upon information from an abstract plant;~~

~~(4) "Certificate of authority" means the authorization to engage in the business of abstracting in a county or district thereof in the State of Arkansas granted to a person, firm, or private corporation in possession of an abstract plant; and~~

~~(5) "Registered abstracter" means an individual registered under this act and holding an operative certificate of registration to prepare abstracts of title to real property in any county in this state or any person holding a license to practice law within the State of Arkansas.~~

~~17-11-103. Penalties.~~

~~(a) Any person, firm, partnership, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense. Each succeeding day on which the provisions of this chapter are violated shall be a separate offense.~~

~~(b) If any licensed abstracter shall willfully falsify any public record or information contained therein, he or she shall be guilty of a felony and punished accordingly in addition to his or her civil liability.~~

~~Subchapter 3—Certification~~

~~17-11-301. Certificate of registration required.~~

~~(a)(1) Every person, firm, or private corporation engaged in the business of abstracting in one (1) county only, shall be or have in its employ a registered abstracter.~~

~~(2) Every person, firm, or private corporation engaged in the business of abstracting in more than one (1) county in this state shall have at least one (1) registered abstracter for each county in which it maintains an abstract office.~~

~~(b) No person shall execute an abstract certificate or otherwise attest to the accuracy of abstracts unless the person is a registered abstracter as defined in this chapter.~~

~~(c)(1) Each person engaged in the business of abstracting who is a registered abstracter may fulfill the requirements of subsection (a) of this section in one (1) county only.~~

~~(2) No registered abstracter may fulfill the requirements of subsection (a) of this section for more than one (1) county or more than one (1) company at any one (1) time.~~

~~17-11-302. Certificate of registration—Application.~~

~~(a) Any person desiring to become a registered abstracter under this chapter shall make application to the Arkansas Abstracters' Board for registration.~~

~~(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration and to determine if the applicant is of good moral character.~~

~~(c) Except as provided in subsection (e) of this section, each application shall be accompanied by an examination fee in the sum of twenty-five dollars (\$25.00).~~

~~(d) Thereupon the board shall notify the applicant of the time and place of the next scheduled examination, and notice of the examination shall be given to the applicant by mail.~~

~~(e) Any person authorized to practice law in this state shall be issued a certificate of registration upon application, without examination and payment of fee.~~

~~17-11-303. Certificate of registration—Examination.~~

The examination required under this chapter shall be in the form of written interrogatories as may be prescribed by the Arkansas Abstracters' Board to determine the proficiency of the applicant.

~~17-11-304. Certificate of registration — Issuance or reapplication.~~

~~(a) If the applicant satisfactorily passes the examinations and is of good moral character, the applicant shall be certified as a registered abstractor, and the certificate provided for shall be issued to him or her. The privileges granted by the certificate shall continue unless revoked, as provided in this chapter, or unless the certificate is otherwise surrendered to the Arkansas Abstracters' Board.~~

~~(b) The certificate shall be in a form prescribed by the board and shall attest that the person possesses the knowledge, skill, ability, and understanding of abstracting and is designated a registered abstractor. The certificate shall be prominently displayed in the abstract office wherein the person is employed.~~

~~(c) An applicant failing to satisfy the board that he or she possesses the qualifications or proficiency to become a registered abstractor may reapply for registration if the application is accompanied by the examination fee provided for in § 17-11-302(c), but no application shall be submitted sooner than six (6) months following the date on which the last previous examination was administered to the applicant.~~

~~(d) Each holder of a certificate shall pay an annual fee to be set by the board.~~

~~17-11-305. Certificate of registration — Temporary.~~

~~(a) The Arkansas Abstracters' Board upon application to it by any person succeeding to the ownership of any abstract plant or business by any means other than by purchase, or any person who by reason of the incapacity of any registered abstractor owner of any abstract plant or business is required to assume the operation of the abstract plant or business, may grant to the person without examination a temporary certificate of registration.~~

~~(b) The fee for a temporary certificate of registration shall be fifteen dollars (\$15.00).~~

~~(c) This certificate shall expire six (6) months after its date or upon the expiration of sixty (60) days after the next regularly scheduled examinations which could be taken by the applicant under the rules and regulations of the board, whichever period is longer.~~

~~(d) The board shall notify the applicant by mail of the time and place of the examination.~~

~~17-11-306. Unregistered assistants.~~

~~Nothing in this chapter shall be construed as prohibiting any person, firm, or corporation holding a valid and subsisting certificate of authority from employing such clerical and stenographic assistants as may be necessary in the conduct of its business who are not registered under this chapter.~~

~~17-11-307 — 17-11-319. [Reserved.]~~

~~17-11-320. Certificate of authority required.~~

~~No person, firm, or corporation shall engage in the business of abstracting in this state until a certificate of authority has been issued to the person, firm, or corporation by the Arkansas Abstracters' Board.~~

~~17-11-321. Certificate of authority — Application — Issuance.~~

~~(a) Any person, firm, or corporation desiring to engage in the business of abstracting in this state shall make application to the Arkansas Abstracters' Board for a certificate of authority.~~

~~(b) The application shall:~~

(1) Be in a form prepared by the board;
 (2) Contain such information as may be necessary to assist the board in determining whether the applicant has complied with the provisions of this chapter; and
 (3) Be accompanied by an application fee in the sum of twenty-five dollars (\$25.00).

(c) The applicant shall furnish proof that:

(1) The applicant has available an abstract plant for each county for which abstracts will be prepared, which abstract plant shall be made available for examination by the board;
 (2) The applicant is or has employed a registered abstractor; and
 (3) The bond requirements provided for in § 17-11-324 have been complied with.

(d)(1) When the foregoing things have been done or conditions exist and approved by the board, the board shall issue a certificate of authority in such form as it may prescribe, attesting to the same and indicating the county of this state wherein the applicant may operate.

(2) The certificate shall be prominently displayed in the office of the applicant.

~~17-11-322. Certificate of authority — Expiration — Renewal.~~

(a)(1) All certificates of authority issued pursuant to the provisions of this chapter shall expire on the same date, irrespective of when issued.

(2) Expiration dates of the certificates, either renewal or original, shall be the July 1 following the year from the preceding expiration date.

(b) Current and subsisting certificates of authority shall be renewed as provided for in this section for a one-year period upon payment of a renewal fee in the sum to be set by the Arkansas Abstractors' Board.

(c)(1)(A) No more than sixty (60) days nor less than thirty (30) days prior to the expiration date of the certificate issued, the board shall cause a notice of expiration and application for renewal to be mailed to each of the holders of the certificates.

(B) The notice and application shall be in a form prepared by the board.

(2) Upon determination by the board of the applicant's compliance with this chapter, a renewal certificate of authority shall be issued to the applicant.

(d)(1)(A) If a holder of a certificate of authority fails to apply for renewal of his or her authority and to pay the fee provided therefor, the board shall cause to be mailed to the holder a notice that his or her certificate has expired and is no longer valid authority for the person to engage in the business of abstracting.

(B) The notice shall be mailed not more than thirty (30) days following the certificate expiration date.

(C) The holder shall be granted an additional period of sixty (60) days from the date of mailing the notice within which to file his or her application for renewal.

(2)(A) The name of any holder failing to renew his or her authority pursuant to the terms of this section shall be stricken from the records of the board.

(B) Such a person, firm, or corporation shall no longer engage in the business of abstracting in this state until so authorized by the board.

~~17-11-323. Access to public records.~~

(a)(1) Holders of certificates of authority and their employees in the conduct of the business of abstracting shall have access to the public records in any office of any city or county or of the state.

(2) They shall be permitted to make memoranda or notations therefrom or copies thereof and to occupy reasonable space with equipment for that purpose,

subject to the reasonable regulation of the custodian of the public records and during the business hours of the office, in order to enable certificate holders to make and prepare abstracts and to compile, post, copy, and maintain their books, records, and indices.

(b) No persons other than the custodian of the records shall remove real estate records from the recorder's office.

~~17-11-324. Bond, insurance, or personal surety.~~

~~(a)(1)(A) Before the certificate of authority is issued, the applicant shall file with the Arkansas Abstracters' Board a bond approved by the board conditioned upon the payment by the applicant of any and all damages that may be sustained by or may accrue to any person, firm, or corporation for whom the applicant may compile, make, or furnish abstracts of title by reason of or on account of any error, deficiency, or mistake in any abstract or certificate, or any continuation, made or issued by the abstractor over its authorized signature and seal.~~

~~(B) The bond shall be written by a corporate surety or other company issuing such bonds licensed and authorized to do business in this state.~~

~~(2)(A) The bond shall remain in full force and effect for a period of one (1) year and may be renewed annually by a continuation certificate.~~

~~(B) However, no continuation certificate shall operate to increase the penal sum of the bond beyond the limits established in this section.~~

~~(3)(A) The penal sum of the bond shall be dependent upon the aggregate population, according to the latest federal census, of all counties in which the applicant proposes to conduct the business of abstracting, as follows:~~

If the population is:-	The penalty of the bond shall be:
Less than 25,000	\$ 5,000
More than 25,000 but less than 50,000	10,000
50,000 but less than 100,000	15,000
100,000 but less than 200,000	20,000
200,000 Over	25,000

~~(B) No person, firm, or corporation shall be required at any time to have in force and effect and filed with the board valid bonds in excess of the penal sum of twenty-five thousand dollars (\$25,000).~~

~~(b)(1) In lieu of the bond or bonds provided for in subsection (a) of this section, the applicant may file proof with the board that he or she carries abstractors' liability insurance in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section.~~

~~(2) The proof shall be the filing of the actual policy or a certificate showing the issuance thereof by the insurance company.~~

~~(c)(1) In lieu of bond or bonds or liability insurance provided for in subsections (a) and (b) of this section, the applicant shall have the right to file with the board a personal surety bond in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section, made in favor of any person or client that may suffer a loss for which he or she is liable, which shall be accepted in lieu of the insurance policy.~~

~~(2) The personal bond shall have the signatures of at least three (3) other persons thereon whose total net worth shall be at least three (3) times the total amount of the personal bond.~~

~~(3) The applicant shall pay for the actual cost of the credit reports on the bondsmen.~~

~~17-11-325 — 17-11-339. [Reserved.]~~

~~17-11-340. Revocation of certificates — Grounds.~~

~~(a) The Arkansas Abstracters' Board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of registration issued to any person under the provisions of this chapter:~~

- ~~(1) For a violation of any of the provisions of this chapter;~~
- ~~(2) Upon a conviction of the holder of such a certificate of a crime involving moral turpitude; or~~
- ~~(3) If the board finds the holder to be guilty of habitual carelessness or of fraudulent practices in the conduct of the business of abstracting.~~

~~(b) The board is authorized, after a hearing as provided in § 17-11-341, to cancel and revoke any certificate of authority issued to any person, firm, or corporation under the provisions of this chapter for:~~

- ~~(1) Failure to furnish the bond or bonds, or other securities, required by § 17-11-324;~~
- ~~(2) Failure to properly maintain an abstract plant;~~
- ~~(3) Failure to have employed a registered abstracter as provided in § 17-11-301; or~~
- ~~(4) Otherwise violating any of the provisions of this chapter.~~

~~17-11-341. Revocation of certificates — Procedure — Appeal.~~

~~(a)(1) Upon a verified complaint being filed with the Arkansas Abstracters' Board or upon the board's own motion filing a complaint charging the holder of a certificate of registration with a violation of any of the provisions of this chapter, or conviction of a crime involving moral turpitude, or with habitual carelessness or fraudulent practices in the conduct of the business of abstracting, or charging the holder of a certificate of authority with failure to furnish the bond or bonds, or other securities, required by § 17-11-324, or with failing to have employed a registered abstracter as provided in § 17-11-301, or with a violation of any of the provisions of this chapter, the board shall immediately notify in writing by registered mail, with return receipt, the holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.~~

~~(2) The board shall at the same time require the holder of the certificate to appear before it on a day fixed by the board, not less than twenty (20) days nor more than forty (40) days from the date of the service of the complaint on the holder of the certificate, and to show cause why the certificate should not be cancelled and revoked.~~

~~(3) Under the hand of its president and the seal of the board, the board may subpoena witnesses and compel their attendance and may require the production of books, papers, and other documents.~~

~~(4) The president or the secretary may administer oaths or affirmations to witnesses appearing before the board.~~

~~(5)(A) If any person refuses to obey any subpoena so issued or refuses to testify or to produce any books, papers, or other documents, the board may present its petition to any court of record, setting forth the facts.~~

~~(B) Thereupon the court shall, in a proper case, issue its subpoena to the person requiring his or her attendance before the court and there to testify or produce such books, papers, and documents as may be deemed necessary and pertinent.~~

~~(6) The holder of the certificate shall be entitled to counsel at any hearing before the board or any other hearing involving revocation of his or her certificate.~~

~~(7) The board shall cause a transcript of any testimony taken to be made by a reporter or stenographer.~~

~~(b)(1)(A) Either the respondent or the complainant may appeal from the decision of the board to the circuit court in the county in which the respondent has his or her or its place of business.~~

~~(B) The appeal shall be taken within thirty (30) days after the decision of the board by causing a written notice of appeal to be served on the secretary of the board and executing a bond to the State of Arkansas, with surety to be approved by the secretary of the board, conditioned to pay all costs that may be adjudged against the appellant.~~

~~(2) Upon an appeal's being taken, the secretary of the board shall immediately make out a return of the proceedings in the matter before the board with its decision thereon and file them together with the bond and all the papers pertaining thereto in his or her possession, including a certified record of testimony taken at the hearing, with the clerk of the court to which the appeal is taken.~~

~~(3) The court shall hear the appeal as a trial de novo, and the costs of the appeal, including the furnishing of the testimony, shall be taxed as the court may direct.~~

~~(4) An appeal shall stay the cancellation of any certificate of registration or certificate of authority until the final decision is had on appeal.~~

~~17-11-342. Seal.~~

~~Any licensee under this chapter shall provide a seal, which shall have stamped on the license the name of the licensee, and shall deposit with the Arkansas Abstracters' Board an impression of the seal and the names of all persons authorized to sign certificates to abstracts on behalf of the licensee.~~

~~17-11-343. Abstract as evidence.~~

~~An abstract or photostat or verbatim copy of any public record, where certified by and impressed with the official seal of any licensed abstracter, shall be admissible in evidence, if otherwise admissible, on behalf of any party litigant in any court in the State of Arkansas and shall be prima facie evidence of the facts recited therein.~~

~~Subchapter 4—Arkansas Abstracters' Board~~

~~17-11-401. Creation—Members.~~

~~(a) The Arkansas Abstracters' Board is created.~~

~~(b)(1) The board shall consist of five (5) members appointed by the Governor, subject to confirmation by the Senate, for a term of six (6) years.~~

~~(2) Two (2) members shall:~~

~~(A) Be actively involved in the making of abstracts of real estate titles in this state for a period of at least five (5) years before appointment; and~~

~~(B) Serve an initial term of six (6) years;~~

~~(3) Two (2) members shall:~~

~~(A) Be citizens of this state; and~~

~~(B) Serve an initial term of four (4) years; and~~

~~(4) One (1) member shall:~~

~~(A) Be knowledgeable of the abstract business; and~~

~~(B) Serve an initial term of two (2) years.~~

~~(c) A vacancy on the board caused by death, resignation, or otherwise shall be filled by appointment of the Governor, subject to confirmation by the Senate.~~

~~(d)(1) A member may be appointed to successive terms.~~

~~(2) No two (2) members shall be appointed from the same county.~~

~~(e)(1) Each member shall serve without compensation.~~

~~(2) However, a member may be entitled to receive travel and expense reimbursement in accordance with § 25-16-901 et seq.~~

~~17-11-402. Organization and proceedings.~~

~~(a) The Arkansas Abstracters' Board shall elect a chair and a secretary-treasurer.~~

~~(b) The chair and secretary-treasurer of the board shall have the power to administer oaths.~~

~~(c) The board shall have a seal and shall have the power to compel the attendance of witnesses.~~

~~17-11-403. Duties and powers.~~

~~(a)(1) The Arkansas Abstracters' Board shall keep a register and shall record the following information in the register:~~

~~(A) The name and the place of business of each applicant for registration and certification;~~

~~(B) A notation of the action taken by the board on each application for registration and each application for certification;~~

~~(C) The date upon which each certificate of registration and each certificate of authority are issued; and~~

~~(D) Such other information as the board deems appropriate.~~

~~(2) The board shall maintain such other records, registers, and files as may be necessary for the proper administration of its duties under this subchapter.~~

~~(b) The board may adopt rules for the proper administration of its powers and duties and the carrying out of the purposes of this subchapter.~~

SECTION 6. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1255. Arkansas Land Title Commission Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas Land Title Commission Fund".

(b) The fund shall consist of:

(1) All unexpended balances, appropriations, allocations, and other funds transferred to the fund under this act from the Arkansas Abstracter's Board, the State Insurance Department, and the State Insurance Department Trust Fund;

(2) Licensing and registration fees, fines, penalties, and any other moneys collected by the Arkansas Land Title Commission under the Arkansas Land Title Act, § 23-103-101 et seq.;

(3) Grants, contributions, or other transfers made by a person, organization, or federal or state government entity or official; and

(4) Any other funds provided by law.

(c) The fund shall be used by the commission to administer the Arkansas Land Title Act, § 23-103-101 et seq.

SECTION 7. Arkansas Code § 23-64-101 is amended to read as follows:

23-64-101. Scope of provisions.

This chapter shall apply with respect to any insurer, as to all insurances other than wet marine, ~~and foreign trade insurance, and title insurance.~~

SECTION 8. Arkansas Code § 23-64-301(b), concerning continuing education requirements for an individual who holds a title insurance license, is repealed.

~~(b) An individual who holds a title insurance license shall complete the minimum number of hours of continuing education courses established by rule of the commissioner.~~

SECTION 9. Arkansas Code § 23-79-102(4), concerning insurance policy provisions that do not apply to title insurance policies, is amended to read as follows:

(4) Title insurance, except that the following apply to this line:

(A) Section 23-79-101(1), §§ 23-79-109 — 23-79-111, 23-79-113, 23-79-116, 23-79-118, 23-79-119, and 23-79-202 — 23-79-205; and

(B) Section 23-79-121, except that the insurer may authorize or require its title agents to provide the policy to the insured and retain a copy of the policy on the insurer's behalf.

SECTION 10. The introductory language of Arkansas Code § 23-79-138(a), concerning information to accompany insurance policies, is amended to read as follows:

(a) The following information shall accompany every policy of life insurance, accident and health insurance, property insurance, or casualty insurance, or title insurance issued and covering risks located, resident, or to be performed in the State of Arkansas:

SECTION 11. Arkansas Code Title 23, Chapter 103, is amended to read as follows:

Chapter 103
Title Insurance Arkansas Land Title Act

Subchapter 1 — General Provisions

23-103-101. Title.

This chapter shall be known and may be cited as the "Arkansas Land Title Act".

23-103-102. Legislative findings and intent.

(a) The General Assembly finds that it is necessary to regulate the business of title insurance and the business of abstracting in order to protect the public health, safety, and welfare.

(b) It is the intent of the General Assembly by this chapter to ensure that only persons that meet and maintain minimum standards of competence and conduct and comply with this chapter may perform the business of title insurance and the business of abstracting in this state.

23-103-103. Definitions.

As used in this chapter:

(1)(A) "Abstract of title" means a written, chronological compilation of all of the materials and facts of record affecting the title to a specifically described interest in real property that is certified as accurate by a registered abstractor.

(B) "Abstract of title" includes a continuation of the initial certification of the compilation;

(2)(A) "Abstract plant" means a set of records:

(i) In which an entry has been made of all documents or matters that under the law impart constructive notice of matters affecting the title to any interest in real property that has been filed or recorded in the county or district for which the abstract plant is maintained; and

(ii) That have been continuously maintained from the time of the earliest records available in the county or district.

(B) The records shall consist of an index or indices in which:

(i) Notations of or references to any documents that describe the real property affected are posted, entered, or otherwise included according to the real property described; or

(ii) Copies or briefs of all documents that describe the real property affected are sorted and filed according to the real property described;

(3) "Business of abstracting" means the making, compiling, or selling of abstracts of title or title evidence based upon or purporting to be based upon information from an abstract plant;

(4)(A) "Business of title insurance" means:

(i) Issuing or offering to issue as an insurer or on behalf of a title insurer, a title insurance policy or closing protection letter;

(ii) Transacting or proposing to transact any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance commitment or title insurance policy:

(a) Guaranteeing, warranting, or otherwise insuring the status of title, liens, encumbrances, or other matters of record;

(b) Executing title insurance commitments or policies;

(c) Effecting contracts of reinsurance;

(d) Underwriting titles; or

(e) Collecting, disbursing, or receiving title insurance premiums, unless incidental to serving as a closing agent; or

(iii) Doing or proposing to do the substantial equivalent of a matter described in this subdivision (4) in a manner designed to evade this chapter.

(B) "Business of title insurance" does not include:

(i) A closing or escrow transaction; or

(ii) The activities of a closing agent or other party performing a closing or escrow transaction;

(5) "Certificate of abstracting authority" means the authorization granted by the Arkansas Land Title Commission to a person, firm, or private corporation in possession of an abstract plant to engage in the business of abstracting in a county or district in this state;

(6) "Certificate of registration" means the authorization granted by the commission under this chapter to compile and certify abstracts of title in this state;

(7) "Closing" means the collection and disbursement of documents, funds, and title insurance premiums out of escrow in connection with a transaction involving either personal or real property, including the transfer of title or creation of a lien intended to encumber the title;

(8) "Closing agent" means a person that facilitates a closing;

(9) "Escrow" means:

(A) A deposit of documents or funds, or both, that is held in trust by a closing agent to facilitate a closing; and

(B) The act or process of receiving funds or documents in trust:

(i) For disbursement to facilitate a closing; or

(ii) Under an escrow agreement;

(10) "Person" means an individual or any partnership, association, cooperative, corporation, firm, trust, limited liability company, or other legal entity;

(11) "Registered abstracter" means a resident of this state who has received a certificate of registration under this chapter to prepare abstracts of title to real property in any county or district in this state;

(12) "Risks" means the danger or hazards of a loss or damage by encumbrance, a defective or invalid title, or adverse claim to title covered under a title insurance policy;

(13) "Title insurance agency" means a person that has an agency contract under § 23-103-404 with a title insurer and is licensed under § 23-103-301 et seq.;

(14)(A) "Title insurance agent" means an individual affiliated with a title insurance agency who is authorized on behalf of a title insurer to issue a title insurance commitment or title insurance policy and is:

(i) A resident of this state licensed under § 23-103-301 et seq.; or

(ii) A nonresident individual licensed under § 23-103-301 et seq. who is employed by a title insurance agency.

(B) "Title insurance agent" does not include:

(i) An individual employed by a title insurance agency that does not sell or negotiate title insurance but who performs marketing duties under the supervision of a title insurance agent;

(ii) An individual employed by a title insurance agency that is a closing agent and does not solicit, sell, or negotiate title insurance; or

(iii) A closing agent that provides closing services but does not otherwise engage in the business of title insurance in this state;

(15) "Title insurance commitment" means a document or binder issued before a title insurance policy is issued that contains the requirements, terms, conditions, exceptions, exclusions, and any other matters incorporated by reference under which a title insurer is willing to issue a title insurance policy;

(16) "Title insurance policy" means a contract, including any coverage, enhancements to coverage, or endorsements, that insures or indemnifies an owner or another person with a lawful interest in personal property or real property against loss or damage arising from risks that existed on, before, or after the policy date and that are not specifically excepted or excluded from coverage, including without limitation:

(A) Defects, liens, or encumbrances;

(B) Unmarketability of the insured title;

(C) Invalidity or unenforceability of liens or encumbrances;

(D) Title being vested other than as stated in the policy;

(E) Lack of a legal right of access to the land that is part of the insured title in a policy relating to real property;

(F) Lack of priority of the lien of any insured mortgage over any statutory lien for services, labor, or materials as specifically described in the policy;

(G) Invalidity or unenforceability of any assignment of an insured mortgage subject to certain conditions; or

(H) The priority of any lien or encumbrance over the lien of an insured mortgage;

(17)(A) "Title insurance premium" means the funds paid to a title insurer and its appointed title insurance agency as consideration for the risks assumed by the title insurer under a title insurance policy, including all amounts retained by the title insurance agency under the title insurance agency's contract with the title insurer.

(B) For purposes of calculating premium tax under § 26-57-603, "title insurance premium" means the gross premium upon which the amount retained by the title insurance agency and title insurer is based as specified by the title insurance agency contract required by § 23-103-404.

(C) "Title insurance premium" does not include charges for the performance of services related or incidental to title insurance or closings that are disclosed to the person charged, including without limitation:

(i) Title search, abstracting, or title examination fees;

(ii) Title opinion fees;

(iii) Document preparation fees;

(iv) Escrow or closing fees;

(v) Notary fees;

(vi) Attorney's fees;

(vii) Fees incurred to cure defects in title;

(viii) Tax report or tax certification fees;

(ix) Title commitment or binder fees;

(x) Title services fees;

(xi) Processing fees;

(xii) Courier fees; and

(xiii) Fees incident to the issuance of a title insurance commitment or policy; and

(18) "Title insurer" means a company authorized under the laws of this state to transact the business of title insurance as an insurer.

23-103-104. Violations.

It is unlawful for a person to:

- (1) Engage in the business of title insurance unless the person is a title insurance agent, title insurance agency, or title insurer;
- (2) Engage in the business of abstracting unless the person is:
 - (A) A registered abstracter;
 - (B) The holder of a certificate of abstracting authority; or
 - (C) A clerical or stenographic assistant permitted to work in the business of abstracting under § 23-103-510; or
- (3) Violate this chapter:
 - (A) Individually; or
 - (B) As an officer, agent, or member of a business entity by participating in or being an accessory to a violation of this chapter by the business entity.

23-103-105. Penalties.

In addition to any other penalty or sanction provided by another law of this state, a violation of a statute or rule enforceable by the Arkansas Land Title Commission or the Executive Director of the Arkansas Land Title Commission is punishable by one (1) or more of the following:

- (1) The refusal, suspension, revocation, or nonrenewal of a license, certificate of registration, or certificate of abstracting authority;
- (2) A fine no greater than one thousand dollars (\$1,000) per violation, not to exceed fifty thousand dollars (\$50,000) in any six-month period;
- (3) A temporary or permanent injunction; and
- (4) The sanctions provided in § 23-103-208.

23-103-106. Confidential records.

(a) Except as provided in subsection (c) of this section, the following records of the Arkansas Land Title Commission and the Executive Director of the Arkansas Land Title Commission shall be privileged and confidential, are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq., and shall not be exhibited or revealed to the public except as stated in this section or in accordance with the commission's rules:

- (1) Audit or investigative reports filed with the commission or the executive director;
 - (2) Records disclosing information obtained from audits or investigations;
 - (3) Investigations and reports revealing facts concerning a title insurance agent or title insurance agency or the customers of a title insurance agent or title insurance agency;
 - (4) Financial statements submitted to the commission for any purpose;
- and
- (5) Work papers submitted to the commission as evidence of the requirements for licensure under this chapter.

(b) The executive director shall be the custodian of the commission's records and shall not disclose a record of the commission to:

- (1) Persons other than commission members except as provided by this section; or
- (2) A member of the commission if disclosure would give the member a competitive advantage or disclose a trade secret of a title insurer, title insurance agency, or holder of a certificate of abstracting authority unless and only to the extent required for the commission to:

(A) Take appropriate action under § 23-103-108; or
(B) Determine the commission's response to a request for production of documents or a subpoena, writ, or other court process.
(c) Confidential records under subsection (a) of this section may be disclosed by the executive director:

(1)(A) Under a validly issued subpoena and in the interest of justice.
(B) The executive director may waive the privilege created by this section and produce audit and investigation reports and other related documents under the provisions of a protective order entered by a court or administrative tribunal of competent jurisdiction when the order is designed to protect the confidential nature of the information disclosed from public dissemination;

(2) If the confidential records contain official actions of the commission or the executive director, and the executive director determines that the disclosure would not give advantage to a competitor or adversely affect the safety and soundness of a title insurance agency; or

(3) To state and federal regulatory agencies with jurisdiction over insurance companies or financial institutions or entities engaged in financial activities.

23-103-107. No civil liability — Exceptions.

(a) Unless a person acted fraudulently or in bad faith, a civil action shall not be filed against the person for supplying any information:

(1) Relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials or their agents and employees;

(2) Relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of this chapter; or

(3) Furnished in reports to the Arkansas Land Title Commission, the Executive Director of the Arkansas Land Title Commission, or an organization established to detect and prevent fraudulent insurance acts or the agents, employees, or designees of the organization.

(b) In the absence of fraud or bad faith, the commission and its employees are not subject to liability or suit for publishing a report or bulletin related to the official activities of the commission.

(c) This section does not abrogate or modify a common law or statutory privilege or immunity available to a person.

23-103-108. Rules.

The Arkansas Land Title Commission may promulgate rules to implement this chapter.

Subchapter 2 — Arkansas Land Title Commission

23-103-201. Creation — Members.

(a)(1) The Arkansas Land Title Commission is created, to be composed of the Insurance Commissioner or his or her designee and six (6) commission members appointed by the Governor, subject to confirmation by the Senate.

(2)(A)(i)(a)(1) Four (4) commission members shall be title insurance agents who have been practicing for at least five (5) years before their appointment who are chosen, except as provided in subdivision (a)(2)(i)(b) of this section, from a list of the names of five (5) members of the Arkansas Land Title Association who qualify to serve on the commission.

(2) After the initial appointments are confirmed, the list shall be submitted to the Governor at least annually by the association on or before January 15.

(b) One (1) practicing title insurance agent may be appointed by the Governor from the state at large.

(ii) The failure to actively practice as a title insurance agent for more than sixty (60) days shall result in automatic disqualification from the commission.

(B)(i) Except for the Governor's one (1) at-large appointment, a vacancy among the practicing title insurance agents shall be filled from the list submitted by the association.

(ii) If necessary to fill a vacancy on the commission, the Governor may request the association to submit additional names of members of the association who are eligible to serve on the commission.

(iii) A practicing title insurance agent shall not be denied the opportunity to submit his or her name for consideration to fill the one (1) at-large appointment to the commission based solely upon membership or lack of membership in the association.

(C) The four (4) commission members who are practicing title insurance agents:

(i) Shall not include more than two (2) residents of the same congressional district;

(ii) Shall be representative of the various title insurance agencies located in this state, including without limitation geographic location, ownership structure, total number of employees, and size of market served; and

(iii) Shall include:

(a) An attorney licensed in Arkansas whose principal place of business is located in a county that is not ranked among the ten (10) most populous counties in the state according to the most recent federal decennial census, unless an attorney who meets these requirements and is willing to serve cannot be found;

(b) A registered abstractor; and

(c) An individual who represents a title insurance agency in an affiliated business arrangement as defined in 12 U.S.C. § 2602(7), as it existed on March 1, 2015.

(3) One (1) commission member shall be a representative of the financial services industry who is familiar with the business of title insurance.

(4) One (1) commission member shall be an attorney licensed and residing in Arkansas who:

(A) Actively practices in the field of real estate law and is familiar with the business of title insurance;

(B) Does not and whose firm does not have an affiliation with or financial interest in a title insurance agency; and

(C) Is appointed by the Governor from a list of two (2) nominees submitted by the Arkansas Bar Association.

(5) No more than one (1) position on the commission shall be held by the same person or representatives of the same entity, affiliate, or holding company.

(6) All commission members shall be full voting members.

(b) The Governor may remove a commission member for cause.

(c) A commission member other than the Insurance Commissioner or his or her designee shall be a resident of the State of Arkansas who is at least thirty (30) years of age.

(d)(1)(A) Initial terms for the commission members who are practicing title insurance agents shall be determined by lot as follows:

(i) One (1) title insurance agent shall serve two (2) years;

(ii) One (1) title insurance agent shall serve three (3)

years;

(iii) One (1) title insurance agent shall serve four (4)

years; and

(iv) One (1) title insurance agent shall serve five (5)

years.

(B) The commission member who represents attorneys shall serve an initial term of two (2) years.

(C) The commission member who represents the financial services industry shall serve an initial term of three (3) years.

(2) The succeeding term of a commission member other than the Insurance Commissioner or his or her designee shall be five (5) years.

(e) Upon expiration of their terms, commission members shall continue to hold office until the appointment and qualification of their successors.

(f) A person shall not serve as a commission member for more than three (3) consecutive terms.

(h) A commission member other than the Insurance Commissioner or his or her designee may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

23-103-202. Meetings — Commission action.

(a) Annually upon the qualification of each newly appointed member of the Arkansas Land Title Commission, the commission shall meet and organize by selecting from its members a chair and vice chair.

(b) A simple majority of commission members shall constitute a quorum to hold commission meetings.

(c) The commission shall meet as often as necessary or desirable in order to conduct its business.

(d)(1) Except as provided by subdivision (d)(2) of this section, the vote of four (4) commission members at a commission meeting is required for commission action.

(2) The imposition of sanctions under this chapter shall require the affirmative vote of the Insurance Commissioner and at least four (4) other commission members at a commission meeting.

23-103-203. Executive Director — Employees.

(a) The Arkansas Land Title Commission shall employ an individual as the Executive Director of the Arkansas Land Title Commission and may employ additional staff to implement and administer this chapter.

(b) The executive director shall:

(1) Be a resident of this state;

(2) Have the duties, authority, and responsibilities:

(A) Designated by the commission;

(B) Specified in § 23-103-205; and

(C) Necessary to carry out a duty designated by the

commission or specified in § 23-103-205;

(3) Have not less than five (5) years' experience in the business of title insurance, unless the commission is unable to find a qualified candidate with five years' experience; and

(4) Not be employed by or have a financial interest in:

(i) A company subject to licensure under § 23-103-301 et seq. that is actively engaged in the business of title insurance; or

(ii) A title insurer operating in this state under a certificate of authority issued under § 23-63-201.

(c) The executive director serves at the pleasure of the commission.

(d) The commission shall fix the salaries of the executive director and commission employees.

23-103-204. Commission powers and duties — Records.

(a) The Arkansas Land Title Commission:

(1) Is charged with the general supervision of persons licensed, registered, or certified under this chapter, the execution of the laws relating to the

business of title insurance and the business of abstracting, the implementation and administration of this chapter, and any other duties prescribed by law; and

(2) May institute suits or other legal proceedings to enforce this chapter and do all things necessary or convenient to implement and administer this chapter.

(b) The commission shall maintain written or electronic records containing:

(1) A list of the names and addresses of all active and inactive persons that have received a license, certificate of registration, or certificate of abstracting authority under this chapter;

(2) A register of each applicant for a license, certificate of registration, or certificate of abstracting authority that includes:

(A) The name and place of business of the applicant;

(B) The action taken by the commission on each application;

and

(C) If the application is granted, the date that the license, certificate of registration, or certificate of abstracting authority is issued.

(c) The commission may:

(1) Administer oaths and subpoena witnesses and documents through the Executive Director of the Arkansas Land Title Commission:

(A) In cases of administrative adjudication under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

(B) For a hearing to determine whether a cease and desist order should be issued under this chapter; or

(C) As provided by this chapter;

(2) Adopt a seal;

(3) Publish in writing or in electronic format the names of all persons who have been sanctioned by the commission and information relative to the enforcement of this chapter of interest to the public;

(4)(A) Conduct or assist in conducting educational seminars that are open to all holders of a license, certificate of registration, or certificate of abstracting authority under this chapter.

(B) The commission may incur and pay the reasonable and necessary expenses of the educational seminars;

(5) Impose reasonable charges for providing materials and performing related services;

(6) Contract and pay for services to administer this chapter, including without limitation investigation, examination, actuarial, technical, and other professional services; and

(7) Require consent to and conduct criminal background checks on all applicants, licensees, registered abstracters, and holders of certificates of abstracting authority.

(d) A copy of a record or paper of the commission that is certified and authenticated by the commission shall be treated as an original and received in evidence in all courts.

23-103-205. Powers and duties of executive director.

(a) In addition to any other powers or duties conferred by this chapter, the Executive Director of the Arkansas Land Title Commission may:

(1) Cooperate with the State Insurance Department, including without limitation sharing records and information consistent with the purposes of this chapter; and

(2)(A) Obtain a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations for all applicants:

(i) Selected for employment as an examiner or otherwise for the Arkansas Land Title Commission or the executive director; or

(ii) For a license, certificate of registration, or certificate of abstracting authority.

(B) The application shall include the applicant's consent to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations.

(C) The commission and executive director shall treat information obtained from a criminal background check under this section as confidential and shall disclose the information only to the applicant.

(b) This section does not modify the confidentiality provisions of § 23-103-106.

23-103-206. Disposition of funds.

Except as otherwise provided in this chapter, all fees, charges, fines, and penalties collected by the Arkansas Land Title Commission shall be deposited into the Arkansas Land Title Commission Fund and used by the commission for the requirements, purposes, and expenses of the commission under this chapter.

23-103-207. Fees.

(a) The Arkansas Land Title Commission shall establish administrative procedures for setting, charging, and collecting reasonable fees for the operation of the commission.

(b) The commission may direct applicants to pay the actual cost of an examination fee directly to a testing service engaged by the commission to administer an examination.

(c) Fees for a state or federal criminal background check shall not exceed the cost to the commission of the state or federal criminal background check.

23-103-208. Investigation of complaint — Sanctions — Penalties.

(a)(1) The Arkansas Land Title Commission, upon receipt of a verified, written complaint that a violation of this chapter has occurred or upon its own motion, shall cause the Executive Director of the Arkansas Land Title Commission to investigate an alleged violation of this chapter.

(2) The executive director may hire an independent investigator to conduct all or part of the investigation and report his or her findings to the executive director.

(b) If the executive director determines that a prima facie case of a violation of this chapter exists, the executive director shall initiate the procedures for an administrative adjudication under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) If the commission determines that:

(1)(A) Insufficient proof of a violation of this chapter exists, the commission shall dismiss the complaint.

(B) The person that filed the complaint may appeal the decision under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; or

(2) Sufficient proof of a violation of this chapter exists, the commission shall determine an appropriate sanction, if any, including without limitation, one (1) or more of the following sanctions or requirements:

(A) A reprimand or censure;

(B) A suspension, revocation, denial, or refusal to renew a license, certificate of registration, or certificate of abstracting authority;

(C) A penalty not to exceed one thousand dollars (\$1,000) for each violation;

(D) Completion of appropriate educational programs or courses;

- (E) Successful completion of an appropriate licensing examination;
- (F) Conditions or restrictions upon the person's license, certificate of registration, or certificate of abstracting authority; and
- (G) Payment of restitution, damages, or other penalties appropriate to the circumstances of the case that would:
- (i) Achieve the desired disciplinary purpose;
- (ii) Compensate or reimburse an injured party or the commission; or
- (iii) Promote the regulation of the business of abstracting or business of title insurance.
- (d) The commission may:
- (1) Suspend the imposition of a sanction imposed upon appropriate terms and conditions; and
- (2) File suit in Pulaski County Circuit Court or the circuit court of the county where a sanctioned holder of a license, certificate of registration, or certificate of abstracting authority resides or does business to collect a penalty assessed under this chapter if the penalty is not paid as ordered by the commission.

23-103-209. Alternate sanction procedure — Citations.

- (a) In lieu of the procedure contained in § 23-103-208, the Executive Director of the Arkansas Land Title Commission may issue a citation imposing:
- (1) A penalty of not more than one hundred dollars (\$100) to a title insurance agent or registered abstractor who:
- (A) Fails to complete annual education requirements; or
- (B) Fails to complete post-licensure education requirements by the established deadline; or
- (2) A penalty of not more than two hundred fifty dollars (\$250) to a title insurance agent or registered abstractor if the title insurance agent or registered abstractor performs activities that require an active license or certificate of registration while his or her license is expired.
- (b) The citation under this section shall include:
- (1) The name, title, mailing address on file with the Arkansas Land Title Commission, and license number or number of the certificate of registration of the licensee or registrant;
- (2) The specific violation and related statute, regulation, or rule;
- (3) The time and date the citation is issued;
- (4) The amount of the penalty;
- (5) The deadline of thirty (30) days from issuance of the citation and procedure to either:
- (A) Pay the citation without further penalty; or
- (B) Dispute the citation;
- (6) A statement that the amount of the penalty and the findings of the executive director as to the facts are considered accurate, conclusive, finally adjudicated, and nonappealable if a verified written complaint contesting the citation is not filed with the commission within thirty (30) days of the citation's issuance; and
- (7) A signature line for the licensee or registrant to accept the penalty without filing a written dispute.
- (c) A licensee who is issued a citation under this section shall within thirty (30) days of the issuance of the citation:
- (1) Accept the conditions of the citation by signing and returning the citation to the commission accompanied by the penalty payment; or
- (2) File a verified written complaint under § 23-103-208 contesting the citation.

(d) The commission may treat the failure to respond within thirty (30) days of the issuance of the citation under this section as a violation of this chapter punishable by the penalties provided in § 23-103-208.

(e)(1) If a licensee or registrant does not dispute the citation under this section by filing a verified complaint under § 23-103-208, the findings contained in the citation are deemed accurate, conclusive, finally adjudicated, and nonappealable.

(2) If a licensee or registrant disputes the citation by timely filing a verified written complaint with the commission, the licensee or registrant shall be provided a hearing before the commission under § 23-103-208.

(f) The commission may modify or vacate a citation issued under this section with or without a hearing.

23-103-210. Cease and desist orders.

(a) The Arkansas Land Title Commission may after at least ten (10) days' notice and a hearing issue a cease and desist order against a title insurance agent, a registered abstractor, the holder of a certificate of abstracting authority, or an owner, officer, director, or employee of a title insurance agency to restrain:

(1) A violation of this chapter;

(2) A criminal or fraudulent act;

(3) A violation of state or federal law;

(4) An incompetent, reckless, or dishonest act; or

(5) An act that jeopardizes the safety or soundness of a title insurance agency, title insurer, or abstract plant.

(b)(1) The cease and desist order issued under this section may be appealed to the Circuit Court of Pulaski County or the circuit court of the county in which a person subject to the cease and desist order resides within thirty (30) days of the order by posting a bond determined by the court to be sufficient to pay all damages which may accrue based upon the facts and circumstances that prompted the issuance of the cease and desist order.

(2) Except as provided in subdivision (b)(1) of this section, the appeal shall be governed by § 25-15-212.

(c) The commission may assess a fine not to exceed one thousand dollars (\$1,000) per day payable to the commission for each day a person refuses or fails to comply with the terms of a cease and desist order issued under this section.

(d) If an appeal of the cease and desist order is not timely filed, the order may not be appealed and is binding upon each person subject to the order until the order is terminated by the commission.

23-103-211. Injunctions.

With the approval of the Arkansas Land Title Commission, the Executive Director of the Arkansas Land Title Commission may seek a temporary or permanent injunction in Pulaski County Circuit Court or the circuit court of the county in which one (1) or more defendants reside against a title insurance agent, a registered abstractor, the holder of a certificate of abstracting authority, or an owner, officer, director, or employee of a title insurance agency to restrain:

(1) A violation of this chapter;

(2) A criminal or fraudulent act;

(3) An act that jeopardizes the safety or soundness of a title insurance agency, title insurer, or abstract plant; or

(4) A cease and desist order issued under § 23-103-210.

23-103-212. Subpoenas and subpoenas duces tecum.

(a) The Arkansas Land Title Commission through the Executive Director of the Arkansas Land Title Commission may issue subpoenas and subpoenas duces tecum in connection with both its investigations and hearings.

(b) A subpoena duces tecum issued under this section may require the production of any book, writing, document, or other paper or electronic record or other evidence that is germane to an investigation or hearing conducted by the commission.

(c)(1) Service of a subpoena issued under this section and the fees and mileage of officers serving the subpoena and of witnesses appearing in answer to the subpoena shall be as provided by law for proceedings in civil cases in the circuit courts of this state.

(2)(A) The executive director shall issue a subpoena or subpoena duces tecum upon the request of any party to a hearing before the commission.

(B) The fees and mileage of officers serving the subpoena and of witness shall be paid by the party requesting the subpoena.

(d)(1) If a person fails to comply with a subpoena or subpoena duces tecum served under this section, the executive director may apply to the circuit court of the county in which the commission is conducting its investigation or hearing for an order to compel the production of the person's testimony, records, or other evidence.

(2) The failure to comply with the subpoena or subpoena duces tecum served under this section is punishable as contempt of court.

Subchapter 3 — Licensing of Title Insurance Agencies and Title Insurance Agents

23-103-301. License required — Authorization for temporary license.

(a) Unless licensed under this chapter, a person shall not issue a title insurance policy, issue a title insurance commitment, transact the business of title insurance, or otherwise act as a title insurance agency or title insurance agent.

(b)(1) A licensee or applicant for licensure under this subchapter shall notify the Arkansas Land Title Commission in writing within thirty (30) days of the filing of a criminal charge, a conviction or plea of guilty or nolo contendere to a crime, or the filing of a bankruptcy proceeding by or against the licensee or applicant.

(2) The failure to so notify the commission under subdivision (b)(1) of this section may result in the immediate suspension, revocation, or denial of a license under this subchapter.

(c) To provide for the continuing temporary operation of a title insurance agency upon the closing of the title insurance agency or if a title insurance agency does not have a licensed title insurance agent due to the death, resignation, termination, or incapacity of its title insurance agents, the commission may issue a temporary license to a title insurance agency under the direction of a person approved by the commission upon the time limitations and other conditions the commission deems appropriate.

(d) If the commission issues a license under this subchapter by mistake or through inadvertence, the commission may:

(1) Revoke the license with or without a hearing; and

(2) Permit the licensee to reapply for a license upon terms the commission deems appropriate.

23-103-302. Issuance or denial of license.

(a) The Arkansas Land Title Commission shall issue a title insurance agency license to an applicant that:

(1) Is authorized to do business in this state;

(2) Designates a title insurance agent responsible for the title insurance agency's compliance with this chapter; and

(3) Pays the application fees prescribed by the commission.

(b) The commission shall issue a title insurance agent license to an applicant who:

(1) Is at least eighteen (18) years of age;

(2) Satisfies the education and experience requirements prescribed by the commission;

(3) Successfully completes the examination administered or approved by the commission;

(4) Demonstrates no record of unprofessional conduct;

(5)(A) Is a resident of this state or of a city or town through which passes the boundary of this state, and has been a resident for not less than the thirty (30) days immediately prior to the date of application for the title insurance agent license.

(B) However, upon written request by the applicant, the commission may waive the thirty-day residency requirement as to any applicant for a title insurance agent license who is a bona fide resident of this state and who furnishes proof satisfactory to the commission that he or she is and intends to be a permanent resident of the state;

(6) Is deemed by the commission to be competent, trustworthy, financially responsible, and of good personal and business reputation;

(7) Consents to and completes a criminal history background check through the Department of Arkansas State Police under § 23-103-311 that is satisfactory to the commission; and

(8) Pays the application and examination fees prescribed by the commission.

(c) The commission shall deny a license to any applicant that does not meet the requirements of this section.

23-103-303. Education and experience requirements.

(a) The Arkansas Land Title Commission shall promulgate rules containing the examination, education, experience, and continuing education requirements, including the standards and procedures for approval of education programs, for persons licensed or to be licensed under this subchapter.

(b) An attorney licensed and in good standing with the Supreme Court to practice law who resides in this state and who submits an affidavit on a form specified by the commission attesting to at least one (1) year of experience in the regular practice of real estate law is exempt from the experience and examination requirements of this subchapter.

(c) Only courses, schools, seminars, and other educational programs approved by the commission satisfy the licensing standards and continuing education requirements of this subchapter.

(d) The continuing education requirements of this subchapter do not apply to:

(1) A licensee over sixty-five (65) years of age; or

(2) An attorney licensed and in good standing with the Supreme Court to practice law who resides in this state.

23-103-304. Application procedure — Licensing examination required.

(a)(1) Applications for licensure under this subchapter shall be submitted on forms prescribed by the Arkansas Land Title Commission.

(2) The commission may require any information and documentation needed to determine if the applicant meets the criteria for licensure.

(3) Each applicant shall pay the application fee and examination fee prescribed by the commission.

(4) All application materials and records submitted to the commission shall be retained by the commission.

(5) Upon notice from the commission that an applicant has provided all required information and documentation to the commission and the process for obtaining a criminal background check has been initiated, the applicant may sit for the examination.

(b)(1) An applicant who successfully completes the examination shall pay within ninety (90) days from the date of the examination the license fee prescribed by the commission.

(2) The applicant's failure to pay the license fee within ninety (90) days from the date of the examination shall:

(A) Invalidate the examination and criminal background check results; and

(B) Require the applicant to reapply as an original applicant for licensure.

23-103-305. License expiration and renewal.

(a) Each license issued under this subchapter shall expire on a date established by the Arkansas Land Title Commission.

(b)(1) A licensee under this subchapter shall complete annually the number of classroom hours of continuing education prescribed by the commission.

(2) If a licensee files for renewal of a license but fails to provide proof of continuing education, the licensee's license is inactive until proof is provided to the commission.

(c)(1) To renew or reactivate a license issued under this subchapter, a licensee shall complete the number of classroom hours of continuing education prescribed by the commission.

(2) The commission may waive all or part of the requirements of subdivision (c)(1) of this section if a licensee is unable to complete the continuing education due to extenuating circumstances.

(d)(1) For each active licensee under this subchapter, the commission shall issue a new license for each ensuing renewal period in the absence of a reason or condition that may warrant the refusal of a license, upon receipt of the:

(A) Written request for license renewal before the expiration of the license upon forms provided by the commission; and

(B) Renewal fee prescribed by the commission.

(2)(A) A licensee who does not wish to engage in the business of title insurance may renew a license on inactive status in the absence of a reason or condition that may warrant the refusal of a license upon receipt of the:

(i) Written request of the applicant before the expiration of the license upon forms provided by the commission; and

(ii) Renewal fee prescribed by the commission.

(B) The commission may limit the number of renewal periods in which a license may be renewed on inactive status.

(3) An application for renewal filed after the date established by the commission to renew a license is treated as an application to renew an expired license.

(e) A licensee under this subchapter that permits a license to expire within a grace period established by the commission may renew the license without taking an examination if the licensee:

(1) Provides the information required by the commission under this subchapter, including proof of completion of appropriate continuing education requirements; and

(2) Pays the fee required by the commission.

23-103-306. Criminal background check.

(a)(1) The Arkansas Land Title Commission shall require each original applicant, and any renewal applicant for a license issued by the commission to apply to the Identification Bureau of the Department of Arkansas State Police for a criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police.

(2)(A) An applicant may sit for the examination required by this subchapter while awaiting the results of the criminal background check.

(B) A license shall not be issued to an applicant until the commission receives and approves the criminal background check.

(b) The applicant under this subchapter shall sign a release of information to the commission and shall be responsible for the payment of any fee associated with the criminal background check.

(c) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the commission all releasable information obtained concerning the applicant under this subchapter.

(d) Except as provided in subsection (e) of this section, a person shall not receive or hold a license issued by the commission under this subchapter if the person has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness.

(e)(1) The provisions of subsection (d) of this section may be waived by the commission upon the request of:

(A) An affected applicant for licensure under this subchapter; or

(B) The person holding a license issued under this subchapter subject to sanctions.

(2) Circumstances for which a waiver may be granted include without limitation, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the public.

(f)(1) Any information received by the commission from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the commission, the affected applicant for licensure or the applicant's authorized representative, or by the person whose license is subject to sanctions or the person's authorized representative.

(2) A record, file, or document shall not be removed from the custody of the Department of Arkansas State Police except as provided to the commission, applicant, or applicant's authorized representative.

(g) Any information made available to the affected applicant for licensure under this subchapter or the person whose license is subject to sanctions shall be information pertaining to that person only.

(h) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than the background check under this section.

(i) The commission may adopt rules and regulations to fully implement this section.

Subchapter 4 — ~~Arkansas Title Insurance Act~~ Regulation of the business of title insurance — Requirements — Prohibited conduct.

23-103-401. Title Authorized activities of title insurers.

This subchapter shall be known and may be cited as the "Arkansas Title Insurance Act".

(a) Subject to the exceptions and restrictions contained in this subchapter, a title insurer may:

(1) Transact only the business of title insurance;

(2) Reinsure title insurance policies; and

(3) Unless prohibited by the Arkansas Land Title Commission or the Insurance Commissioner, perform or cause to be performed ancillary activities whether or not in contemplation of or in conjunction with the issuance of a title insurance commitment or title insurance policy, including without limitation:

(A) Underwriting title to and furnishing related information about personal property or real property; and

(B) Procuring and furnishing information about relevant personal property.

(b) A title insurer may issue as an insurer:

(1) Closing protection; or

(2) A title insurance policy, if issued on behalf of the title insurer by a person licensed under § 23-103-301 et seq.

23-103-402. Definitions Title insurers — Limitation of authority — Powers.

As used in this subchapter:

~~(1) “Closing” means the collection and disbursement of funds and title insurance premiums out of escrow in connection with a transaction involving either personal or real property, including the transfer of title or creation of a lien on the title;~~

~~(2) “Closing agent” means a person that facilitates a closing;~~

~~(3) “Depositor” means the person providing funds or documents for delivery to a depository in connection with a transaction involving real property;~~

~~(4) “Depository” means a title insurer, title insurance agency, closing agent, or qualified financial institution receiving a deposit of funds or documents;~~

~~(5) “Escrow” means the act or process of providing closing services or services pursuant to an escrow agreement;~~

~~(6) “Escrow account” means the demand deposit account maintained by a title insurer or title insurance agency at a qualified financial institution into which the title insurer or title insurance agency deposits and disburses funds collected from any person that is or will be a party to a transaction involving real property;~~

~~(7) “Person” means an individual or any partnership, association, cooperative, corporation, firm, trust, limited liability company, or other legal entity;~~

~~(8) “Qualified financial institution” means a bank, credit union, or savings and loan association regulated, supervised, or examined by federal or state authorities having regulatory authority over banks and trust companies;~~

~~(9) “Risks” means the danger or hazards of a loss by encumbrance, a defective or invalid title, or adverse claim to title covered under a title insurance policy;~~

~~(10) “Title insurance agency” means a person that has an agency contract under § 23-103-407 with a title insurer;~~

~~(11)(A) “Title insurance agent” means an individual affiliated with a title insurance agency who is authorized on behalf of a title insurer to issue a title insurance report or title insurance policy and is:~~

~~(i) A resident of the State of Arkansas licensed under § 23-64-101 et seq.; or~~

~~(ii) A nonresident individual licensed under § 23-64-101 et seq. and employed by a resident licensee.~~

~~(B) “Title insurance agent” does not include:~~

~~(i) An individual employed by a title insurance agency that does not sell or negotiate title insurance but who performs marketing duties under the supervision of a title insurance agent;~~

~~(ii) An individual employed by a title insurance agency that is a closing agent and does not solicit, sell, or negotiate title insurance; or~~

~~(iii) A closing agent that provides closing services but does not otherwise engage in title insurance business in the State of Arkansas;~~

~~(12)(A) "Title insurance business" means:~~

~~(i) Issuing or offering to issue as an insurer a title insurance policy or closing protection letter;~~

~~(ii) Transacting or proposing to transact any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance report or policy:~~

~~(a) Guaranteeing, warranting, or otherwise insuring the status of title, liens, encumbrances, or other matters of record;~~

~~(b) Executing title insurance policies;~~

~~(c) Effecting contracts of reinsurance;~~

~~(d) Underwriting titles; or~~

~~(e) Collecting, disbursing, or receiving title insurance premiums, unless incidental to serving as a closing agent; or~~

~~(iii) Doing or proposing to do any business substantially equivalent to the matters described in this subdivision (12) in a manner designed to evade this subchapter.~~

~~(B) "Title insurance business" does not include:~~

~~(i) A closing or escrow; or~~

~~(ii) The activities of a closing agent or other party performing a closing or escrow;~~

~~(13) "Title insurance policy" means a contract, including any coverage, enhancements to coverage, or endorsements, insuring or indemnifying owners of or other persons lawfully interested in personal or real property against loss or damage arising from any of the following conditions existing on, before, or subsequent to the policy date and not specifically excepted or excluded:~~

~~(A) Defects in or liens or encumbrances on the insured title;~~

~~(B) Unmarketability of the insured title;~~

~~(C) Invalidity or unenforceability of liens or encumbrances on the insured title of the personal or real property;~~

~~(D) Title being vested other than as stated in the policy;~~

~~(E) Lack of a legal right of access to the land that is part of the insured title in a policy relating to real property;~~

~~(F) Lack of priority of the lien of any insured mortgage over any statutory lien for services, labor, or materials as specifically described in the policy;~~

~~(G) Invalidity or unenforceability of any assignment of an insured mortgage subject to certain conditions; or~~

~~(H) The priority of any lien or encumbrance over the lien of an insured mortgage;~~

~~(14)(A) "Title insurance premium" means the funds paid to the title insurer and to an appointed title insurance agency as consideration for the amount of liability assumed by a title insurer under a title insurance policy, including all amounts retained by the title insurance agency pursuant to the title insurance agency's contract with the title insurer.~~

~~(B) "Title insurance premium" does not include charges for the performance of services related or incidental to title insurance or closings that are disclosed to the person charged, including without limitation:~~

~~(i) Title search, abstracting, or title examination fees;~~

~~(ii) Title opinion fees;~~

~~(iii) Document preparation fees;~~

~~(iv) Escrow or closing fees;~~

~~(v) Notary fees;~~

~~(vi) Attorney's fees;~~

~~(vii) Fees incurred to cure defects in title;~~

~~(viii) Tax report or tax certification fees;~~

~~(ix) Title report fees;~~

~~(x) Processing fees;~~

~~(xi) Courier fees; and~~

~~(xii) Fees incident to the issuance of a title insurance~~

~~report or policy;~~

~~(15) "Title insurance report" means a preliminary report, commitment, or binder issued before the issuance of a title insurance policy containing the requirements, terms, conditions, exceptions, and any other matters incorporated by reference under which a title insurer is willing to issue a title insurance policy;~~

~~(16) "Title insurer" means a company authorized under the laws of this state to transact title insurance business; and~~

~~(17) "Underwrite" means the acceptance or rejection of risk on behalf of the title insurer.~~

(a)(1) An insurer that transacts any class, type, or kind of insurance other than title insurance is not eligible for the issuance or renewal of a license to transact the business of title insurance in this state.

(2) Title insurance shall not be transacted, underwritten, or issued by any insurer transacting or licensed to transact any other class, type, or kind of business.

(b) A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest on bonds or mortgages.

(c) Notwithstanding subsection (a) of this section:

(1) If the closing services are provided in Arkansas, the closing agent shall give notice of availability of closing protection to all parties to a transaction in which it is contemplated that title insurance may be issued;

(2) Upon written request by a party to a closing with a licensed title insurance agency with which the title insurer has an agency contract or closing agent with which the title insurer is in privity of contract, the title agent shall issue a closing protection letter to the requesting party on behalf of the title insurer;

(3)(A) Except as provided in subdivision (c)(3)(C) of this section, upon written request by a party to a closing conducted by a person that is not a licensed title insurance agency, a title insurer at its discretion may issue closing protection to the requesting party if the title insurer and the closing agent are in privity of contract.

(B) The contract shall:

(i) Affirmatively state that the title insurer will indemnify third parties for the actions of the closing agent to the extent provided in the closing protection letter; and

(ii) Require the closing agent to make its books and records available to the title insurer for each transaction in which a closing protection letter is issued by the title insurer on behalf of the closing agent except to the extent the books and records are privileged under the attorney-client privilege or otherwise.

(C) The contract requirements contained in subdivisions (c)(3)(A) and (B) of this section do not apply if the closing is conducted outside the State of Arkansas and the closing agent is licensed or otherwise authorized to conduct a closing in the state where the closing is conducted;

(4) The closing protection letter shall conform to the terms of coverage and form of instrument as may be filed with the State Insurance Department and shall indemnify a person solely against loss of closing funds because of the following acts of a closing agent, title insurer's named employee, or title insurance agency:

(A) Theft or misappropriation of closing funds; or

(B) Failure to comply with written instructions from the proposed insured when agreed to by the closing agent, title insurer's named employee, or title insurance agency as it relates to the status of the title to the interest in land or to the validity, enforceability, and priority of the lien of a mortgage or deed of trust on the interest in land;

(5) The form and amount charged by a title insurer for closing protection coverage shall be filed with the department at least twenty (20) days before the first use of closing protection coverage in the market;

(6) Except as provided in this section, a title insurer shall not provide any other coverage that purports to indemnify against improper acts or omissions of a person with regard to escrow or closing services;

(7) A title insurance agent or title insurance agency shall not issue a closing protection letter on behalf of a title insurer unless the title insurance agent or title insurance agency contemplates issuing a title insurance policy to a party to the transaction; and

(8) Issuing closing protection is not a violation of § 23-103-401.

23-103-403. Requirement for license Title insurance agents — Examination of records.

~~(a)(1) Except as provided in subdivision (a)(2) of this section and § 23-103-404, only an appointed title insurance agency licensed under § 23-64-101 et seq. shall issue title insurance policies, reports, or otherwise transact title insurance business.~~

~~(2) An appointed title insurance agency licensed under § 23-64-101 et seq. shall not issue closing protection or issue as an insurer a title insurance policy.~~

~~(b) All title insurance policies and reports covering an insurable interest in title to real property located in this state shall be signed by a title insurance agent:~~

~~(1) Properly appointed by a title insurer;~~

~~(2) Affiliated with a title insurance agency; and~~

~~(3) Licensed in this state under this subchapter.~~

During normal business hours, the Arkansas Land Title Commission or title insurer may examine, audit, and inspect all books, records, files, and escrow and operating accounts related to title insurance commitments and title insurance policies maintained by a title insurance agency, or the title insurance agency's successor in interest, transferee, or receiver under this chapter.

23-103-404. Authorized activities of title insurers Title insurance agency contracts.

~~(a) Subject to the exceptions and restrictions contained in this subchapter, a title insurer may:~~

~~(1) Transact only title insurance business;~~

~~(2) Reinsure title insurance policies; and~~

~~(3) Unless prohibited by the Insurance Commissioner, perform or cause to be performed ancillary activities whether or not in contemplation of or in conjunction with the issuance of a title insurance report or title insurance policy including:~~

~~(A) Underwriting title to and furnishing related information about personal property or real property; and~~

~~(B) Procuring and furnishing information about relevant personal property.~~

~~(b) Only a title insurer may issue closing protection or issue as an insurer a title insurance policy.~~

(a)(1) A person acting in the capacity of a title insurance agency shall not place business with a title insurer, and a title insurer shall not accept business from a title insurance agency, unless a written contract exists between the title insurer and title insurance agency.

(2) The written contract shall establish the responsibilities of the title insurer and title insurance agency and specify the division of the responsibilities if both share responsibility for a particular function.

(3) The written contract shall also contain:

(A) The types of risks that may be undertaken;

(B) The maximum authority or limits of liability;

(C) The territorial limitations;

(D) All terms of compensation for the title insurance agency;

(E) Requirements for title insurance policy issuance and funds remittance;

(F) Termination provisions;

(G)(i) The date by which all funds and title insurance policies due under the contract shall be accounted for to the title insurer.

(ii) The date shall be no later than sixty (60) days after:

(a) Issuance of the title insurance policy;

(b) The satisfaction of all requirements and

conditions of any commitment; or

(c) The time specified in the contract if less than

sixty (60) days; and

(H) The time in which the title insurance agency has to report and forward to the title insurer all claims filed in writing with the title insurance agency by title insurance policyholders or other claimants.

(b) The contract under subsection (a) of this section shall not be assigned in whole or in part by the title insurance agency unless as part of a sale of a title insurance agency or its assets and approved in writing by the title insurer.

(c)(1) The title insurer may terminate the contract under subsection (a) of this section upon written notice to the title insurance agency under any of the following circumstances:

(A) Fraud, insolvency, appointment of a receiver or conservator, bankruptcy, cancellation of the title insurance agency's license or permit to do business, or the commencement of legal proceedings by the state of the domicile of the title insurance agency, which if successful would lead to the cancellation of the title insurance agency's permit or license to do business;

(B) Material breach of any provision of the contract between the title insurer and the title insurance agency; or

(C) In accordance with any other termination provision of the contract between the title insurer and the title insurance agency.

(2) Unless otherwise agreed in writing by the title insurer, upon the effective date of the title insurer's notice of termination, the title insurance agency shall immediately discontinue conducting the business of title insurance on behalf of the title insurer.

(3) This subsection does not relieve the title insurance agency or the title insurer of any other contractual obligation.

23-103-405. Title Insurers — Limitation of authority — Powers Minimum search requirements.

~~(a)(1) An insurer that transacts any class, type, or kind of insurance other than title insurance is not eligible for the issuance or renewal of a license to transact title insurance business in this state.~~

~~(2) Title insurance shall not be transacted, underwritten, or issued by any insurer transacting or licensed to transact any other class, type, or kind of business.~~

~~(b) A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest on bonds or mortgages.~~

~~(c) Notwithstanding subsection (a) of this section:~~

~~(1) If the closing services are provided in Arkansas, the closing agent shall give notice of availability of closing protection to all parties to a transaction in which it is contemplated that title insurance may be issued;~~

~~(2) Upon written request by a party to a closing with a licensed title insurance agency with which the title insurer has an agency contract or closing agent with which the title insurer is in privity of contract, the title insurer shall issue a closing protection letter to the requesting party;~~

~~(3)(A) Except as provided in subdivision (c)(3)(C) of this section, upon written request by a party to a closing conducted by a person that is not a licensed~~

title insurance agency, the title insurer at its discretion may issue closing protection to the requesting party if the title insurer and the closing agent are in privity of contract.

(B) The contract shall:

(i) Affirmatively state that the title insurer will indemnify third parties for the actions of the closing agent to the extent provided in the closing protection letter; and

(ii) Require the closing agent to make its books and records available to the title insurer for each transaction in which a closing protection letter is issued by the title insurer on behalf of the closing agent except to the extent the books and records are privileged under the attorney-client privilege or otherwise.

(C) The contract requirements contained in subdivisions (c)(3)(A) and (B) of this section do not apply if the closing is conducted outside the State of Arkansas and the closing agent is licensed or otherwise authorized to conduct a closing in the state where the closing is conducted;

(4) The closing protection shall conform to the terms of coverage and form of instrument as may be filed with the Insurance Commissioner and shall indemnify a person solely against loss of closing funds because of the following acts of a closing agent, title insurer's named employee, or title insurance agency:

(A) Theft or misappropriation of closing funds; or

(B) Failure to comply with written instructions from the proposed insured when agreed to by the closing agent, employee, or title insurance agency as it relates to the status of the title to the interest in land or to the validity, enforceability, and priority of the lien of a mortgage or deed of trust on the interest in land;

(5) The form and amount charged by a title insurer for closing protection coverage shall be filed with the commissioner at least twenty (20) days before the first use of closing protection coverage in the market;

(6) Except as provided in this section, a title insurer shall not provide any other coverage that purports to indemnify against improper acts or omissions of a person with regard to escrow or closing services;

(7) A title insurer shall not issue a closing protection letter unless the title insurer contemplates issuing a title insurance policy to a party to the transaction; and

(8) Issuing closing protection is not a violation of § 23-103-404.

(a) A title insurance commitment or title insurance policy shall not be issued unless the title insurance agency or title insurance agent has caused to be made a search of the title from the evidence prepared from a title plant or files of the county where the property is located or from the records of the clerk or the ex officio recorder of land records of the county that maintains records relating to real estate and any interest in the county.

(b) The search under subsection (a) of this section shall include a review of all matters affecting the title to the property or interest to be insured for a continuous period of not less than the immediately preceding thirty (30) years.

(c) A title insurance policy shall not be issued until the title insurer or title insurance agent has caused to be made a determination of insurability of title in accordance with the title insurer's underwriting practices.

23-103-406. Title insurance agents — Examination of records Title insurance agent — Restrictions.

The Insurance Commissioner or title insurer during normal business hours may examine, audit, and inspect any and all books, records, files, and escrow and operating accounts related to title insurance reports and policies maintained by a title insurance agency, its successor in interest, transferee, or receiver under this subchapter.

A title insurance agent shall not:

- (1) Bind reinsurance on behalf of the title insurer;
- (2) Permit any of its directors, officers, controlling shareholders, or employees to serve on the title insurer's board of directors if the title insurance agent wrote five percent (5%) or more of the direct title insurance premiums of the title insurer written in the previous calendar year as shown on the title insurer's most recent annual statement filed with the State Insurance Department, unless the title insurer and the title insurance agent are under common control or ownership;
- (3) Jointly employ an individual who is employed with the title insurer unless the title insurer and the title insurance agent are under common control or ownership; or
- (4) Issue a title insurance commitment or title insurance policy insuring the interest of an insured in real property in this state unless the title insurance agent is licensed under this chapter and the title insurance commitment or title insurance policy is signed by a title insurance agent licensed under this chapter.

23-103-407. ~~Agency contracts~~ Title insurance inventory maintenance.

~~(a)(1) A person acting in the capacity of a title insurance agency shall not place business with a title insurer, and a title insurer shall not accept business from a title insurance agency unless a written contract exists between the title insurer and title insurance agency.~~

~~(2) The written contract shall establish the responsibilities of the title insurer and title insurance agency and specify the division of the responsibilities if both share responsibility for a particular function.~~

~~(3) The written contract shall also contain:~~

~~(A) The types of risks that may be undertaken;~~

~~(B) The maximum authority or limits of liability;~~

~~(C) The territorial limitations;~~

~~(D) All terms of compensation for the title insurance agency;~~

~~(E) Policies and funds remittance;~~

~~(F) Termination provisions;~~

~~(G)(i) The date by which all funds and policies due under the contract shall be accounted for to the title insurer.~~

~~(ii) The date shall be no later than sixty (60) days after:~~

~~(a) Issuance of the policy;~~

~~(b) The satisfaction of all requirements and conditions of any report; or~~

~~(c) The time specified in the contract if less than sixty (60) days; and~~

~~(H) The time in which the title insurance agency has to report and forward to the title insurer all claims filed in writing with the title insurance agency by policyholders or other claimants.~~

~~(b) The contract shall not be assigned in whole or in part by the title insurance agency unless as part of a sale of a title insurance agency or its assets and approved in writing by the title insurer.~~

~~(c)(1) The title insurer may terminate the contract upon written notice to the title insurance agency under any of the following circumstances:~~

~~(A) Fraud, insolvency, appointment of a receiver or conservator, bankruptcy, cancellation of the title insurance agency's license or permit to do business, or the commencement of legal proceedings by the state of the domicile of the title insurance agency, which if successful would lead to the cancellation of the title insurance agency's permit or license to do business;~~

~~(B) Material breach of any provision of the contract between the title insurer and the title insurance agency; or~~

~~(C) In accordance with any other termination provision of the contract.~~

~~(2) Upon the effective date as set forth in the notice of termination from a title insurer unless otherwise agreed to in writing by the title insurer, the title insurance agency shall immediately discontinue all title insurance business on behalf of that title insurer.~~

~~(3) This subsection does not relieve the title insurance agency or the title insurer of any other contractual obligation.~~

(a) A title insurer and a title insurance agency shall each maintain an inventory of all numbered policy forms or policy numbers assigned to the title insurance agency by the title insurer.

(b) If title insurance policies are generated electronically by the title insurer, the title insurer shall maintain the inventory of policy numbers assigned to the title insurance agency.

23-103-408. ~~Minimum search requirements~~ Title insurer — Audit.

~~(a) A title insurance report or title insurance policy shall not be issued unless the title insurance agency or title insurance agent has caused to be made a search of the title from the evidence prepared from a title plant or files of the county where the property is located or from the records of the clerk or the ex officio recorder of land records of the county that maintains records relating to real estate and any interest in the county.~~

~~(b) The search shall include a review of all matters affecting the title to the property or interest to be insured for a continuous period of not less than the immediately preceding thirty (30) years.~~

~~(c) A title insurance policy shall not be issued until the title insurer or title insurance agent has caused to be made a determination of insurability of title in accordance with the title insurer's underwriting practices.~~

(a)(1) At least one (1) time each year, a title insurer shall conduct an on-site audit of the escrow and closing practices related to the issuance of title insurance policies, escrow accounts, security arrangements, files, underwriting and claims practices, and policy inventory of the title insurance agencies that the title insurer has authorized to issue title insurance commitments or title insurance policies on its behalf.

(2) If the title insurance agency fails to maintain separate escrow or trust accounts for each title insurer it represents, the title insurer shall verify that the funds related to closings in which the title insurer's policies are issued are reasonably ascertainable from the books of account and records of the title insurance agency.

(b)(1) The Arkansas Land Title Commission may promulgate rules setting forth the standards of audit and the form of audit required under this section.

(2) The commission may also require the title insurer to provide a copy of its audit reports to the commission.

(3) This section does not modify the prohibitions upon the disclosure of confidential information contained in § 23-103-106.

23-103-409. Title insurance agent insurer — Restrictions.

A title insurance agent shall not:

~~(1) Bind reinsurance on behalf of the title insurer;~~

~~(2) Permit any of its directors, officers, controlling shareholders, or employees to serve on the title insurer's board of directors if the title insurance agent wrote five percent (5%) or more of the direct premiums of the title insurer written in the previous calendar year as shown on the title insurer's most recent annual statement filed with the Insurance Commissioner, unless the title insurer and the title insurance agent are under common control or ownership;~~

~~(3) Jointly employ an individual who is employed with the title insurer unless the title insurer and the title insurance agent are under common control or ownership; or~~

~~(4) Issue a title insurance report or title insurance policy insuring the interest of an insured in real property in this state unless the title insurance agent is licensed under this subchapter and the title insurance report or title insurance policy is signed by a title insurance agent licensed under this subchapter.~~

A title insurer shall not:

(1) Appoint any director, officer, controlling shareholder, or employee of a title insurance agency to serve on the title insurer's board of directors if the title insurance agency wrote five percent (5%) or more of the direct title insurance premiums of the title insurer written during the previous calendar year as shown on the title insurer's most recent annual statement on file with the State Insurance Department, unless the title insurer and the title insurance agency are under common control or ownership;

(2) Jointly employ an individual who is employed with the title insurance agency unless the title insurer and the title insurance agency are under common control or ownership; or

(3) Permit a person not properly licensed under this chapter to sell, negotiate, or engage in the business of title insurance on behalf of the title insurer or a title insurance agent or title insurance agency.

23-103-410. Title insurance inventory maintenance Policyholder rights and disclosure.

~~(a) The title insurer and the title insurance agency shall each maintain an inventory of all numbered policy forms or policy numbers assigned to the title insurance agency by the title insurer.~~

~~(b) If title insurance policies are generated electronically by the title insurer, the title insurer shall maintain the inventory of policy numbers assigned to the title insurance agency.~~

(a)(1) When a title insurance commitment includes an offer to issue an owner's title insurance policy covering the resale of owner-occupied residential property, the title insurance commitment shall be furnished to the purchaser or mortgagor or to the representative of the purchaser-mortgagor as soon as reasonably possible before closing.

(2) The title insurance commitment furnished to the purchaser-mortgagor shall incorporate the following statement on the first page in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters that are not covered under the terms of the title insurance policy and should be carefully considered.

This title insurance commitment is a written representation as to the condition of title for purposes of providing title insurance and lists all liens, defects, and encumbrances filed of record within the last thirty (30) years that have not been released of record or that are not statutorily expired.

No title insurance agent or any other person other than a licensed Arkansas attorney may provide legal advice concerning the status of title to the property described in this title commitment."

(b)(1) When an owner's title insurance policy has not been requested, a title insurer or a title insurance agency issuing a title insurance policy to a lender in conjunction with a mortgage loan involving real property made simultaneously with the purchase of all or part of the real property securing the loan shall give written notice on a form prescribed or approved by the Arkansas Land Title Commission to the purchaser-mortgagor at the closing.

(2) The notice required by subdivision (b)(1) of this section shall explain:

(A) That a title insurance policy for the lender involving real property is issued for the protection of the mortgage lender and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the real property being purchased;

(B) The coverage that a title insurance policy relating to real property insures and that risks exist for the purchaser-mortgagor of real property that could be insured through the purchase of an owner's title insurance policy involving real property; and

(C) That the purchaser-mortgagor may obtain an owner's title insurance policy at a specified title insurance premium.

(3) A copy of the notice signed by the purchaser-mortgagor shall be retained by the title insurance agency for at least five (5) years after the effective date of the lender's title insurance policy.

(c) The following information shall accompany every title insurance policy issued and covering risks located, resident, or to be performed in this state:

(1) The name, address, and telephone number of the title insurance agency issuing the title insurance policy; and

(2) The address and telephone number, including a toll-free number if available, of the Arkansas Land Title Commission.

23-103-411. Title insurer — Audit Record retention requirements.

~~(a)(1) At least one (1) time each year, a title insurer shall conduct an on-site audit of the escrow and closing practices related to the issuance of title insurance policies, escrow accounts, security arrangements, files, underwriting and claims practices, and policy inventory of the title insurance agencies that the title insurer has authorized to issue title insurance reports or title insurance policies on its behalf.~~

~~(2) If the title insurance agency fails to maintain separate escrow or trust accounts for each title insurer it represents, the title insurer shall verify that the funds related to closings in which the title insurer's policies are issued are reasonably ascertainable from the books of account and records of the title insurance agency.~~

~~(b)(1) The Insurance Commissioner may promulgate rules setting forth the standards of audit and the form of audit required.~~

~~(2) The commissioner may also require the title insurer to provide a copy of its audit reports to the commissioner.~~

~~(3) Any audits shall remain confidential unless introduced as evidence at a hearing or court proceeding involving the title insurance agency or agent.~~

(a) The title insurer and the title insurance agency shall maintain sufficient records of their affairs, including evidence of underwriting title, determination of insurability, and records of their escrow operations and escrow accounts.

(b) The Arkansas Land Title Commission may prescribe the specific records and documents to be kept and the length of time for which the records shall be maintained.

23-103-412. Title insurer — Restrictions Access to public records.

A title insurer shall not:

~~(1) Appoint any director, officer, controlling shareholder, or employee of a title insurance agency to serve on the title insurer's board of directors if the title insurance agency wrote five percent (5%) or more of the direct premiums of the title insurer written during the previous calendar year as shown on the title insurer's most recent annual statement on file with the Insurance Commissioner, unless the title insurer and the title insurance agency are under common control or ownership; or~~

~~(2) Jointly employ an individual who is employed with the title insurance agency unless the title insurer and the title insurance agency are under common control or ownership.~~

(a) A person licensed under § 23-103-301 et seq., and a person affiliated with a title insurance agency shall:

(1) Have free access to the instruments of record affecting real property filed in any city, county, or state office; and

(2) Be permitted to:

(A) Occupy reasonable space, use equipment, and make memoranda, notations, and copies of instruments of record during the business hours of the city, county, or state office; and

(B) Compile, post, copy, and maintain books, records, and indices.

(b)(1) A person licensed under § 23-103-301 et seq., and a person affiliated with a title insurance agency have the right of access to any instrument filed of record in a city, county, or state office no later than the close of business of the first business day following the day the instrument was filed.

(2) A fee shall not be charged for providing access to the instrument.

(c) As used in this section, "access" means possession of an instrument sufficient to mechanically reproduce the instrument in the office where the instrument is filed.

(d)(1) A person entitled to access under this section that is denied access may petition immediately to a circuit court of competent jurisdiction.

(2) Upon written complaint of a person or an interested party denied a right provided by this section, the circuit court having jurisdiction shall hear the complaint within seven (7) business days of the date the complaint is filed.

(3)(A) In an action or appeal of an action to enforce the rights granted by this section, the court shall assess against a losing party reasonable attorney's fees and other litigation expenses reasonably incurred by a party that has substantially prevailed unless the court finds that the position of the losing party was substantially justified or that other circumstances make an award of attorney's fees and other litigation expenses unjust.

(B) Expenses shall not be assessed against the State of Arkansas or any of its agencies or departments.

(C) If at trial a defendant has substantially prevailed in the action, the court may assess attorney's fees and litigation expenses against a plaintiff only upon a finding that the action was initiated primarily for frivolous or dilatory purposes.

23-103-413. Policyholder rights and disclosure Fiduciary duties of licensees.

~~(a)(1) When a title insurance report includes an offer to issue an owner's title insurance policy covering the resale of owner-occupied residential property, the title insurance report shall be furnished to the purchaser or mortgagor or to the representative of the purchaser-mortgagor as soon as reasonably possible before closing.~~

~~(2) The title insurance report furnished to the purchaser-mortgagor shall incorporate the following statement on the first page in bold type: "Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters that are not covered under the terms of the title insurance policy and should be carefully considered. This report is a written representation as to the condition of title for purposes of providing title insurance and lists all liens, defects, and encumbrances filed of record within the last thirty (30) years that have not been released of record or that are not statutorily expired.~~

~~No title insurance agent or any other person other than a licensed Arkansas attorney may provide legal advice concerning the status of title to the property described in the title commitment."~~

~~(b)(1) When an owner's title insurance policy has not been requested, a title insurer or a title insurance agency issuing a title insurance policy to a lender in~~

~~conjunction with a mortgage loan involving real property made simultaneously with the purchase of all or part of the real property securing the loan shall give written notice on a form prescribed or approved by the Insurance Commissioner to the purchaser-mortgagor at the closing.~~

~~(2) The notice required by subdivision (b)(1) of this section shall explain:~~

~~(A) That a title insurance policy for the lender involving real property is issued for the protection of the mortgage lender and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the real property being purchased;~~

~~(B) The coverage that a title insurance policy relating to real property insures and that risks exist for the purchaser-mortgagor of real property that could be insured through the purchase of an owner's title policy involving real property; and~~

~~(C) That the purchaser-mortgagor may obtain an owner's title insurance policy at a specified premium.~~

~~(3) A copy of the notice signed by the purchaser-mortgagor shall be retained in the closing file for at least five (5) years after the effective date of the lender's title insurance policy.~~

(a) All funds, fees, moneys, premiums, and return premiums received by a person licensed under this chapter in the person's official capacity shall be held in trust by the licensee and paid when required to the insured, insurer, licensee, or any other person entitled to the funds, fees, moneys, premiums, or return premiums.

(b) A licensee who diverts or misappropriates any part of funds, fees, moneys, premiums, or return premiums held in trust under subsection (a) of this section to the licensee's own use shall, upon conviction, be guilty of theft of property and shall be punished as provided by law.

23-103-414. Record retention requirements Place of business — Maintenance of records.

~~(a) The title insurer and the title insurance agency shall maintain sufficient records of their affairs, including evidence of underwriting title, determination of insurability, and records of their escrow operations and escrow accounts.~~

~~(b) The Insurance Commissioner may prescribe the specific records and documents to be kept and the length of time for which the records shall be maintained.~~

(a)(1) A title insurance agency shall have and maintain in this state a place of business accessible to the public where it principally conducts its transactions as a title insurance agency.

(2) The address of the place of business shall appear on the licensee's license, and the licensee shall notify the Arkansas Land Title Commission in writing of a change of address within thirty (30) days of the change of address.

(b) The licensee's license shall be conspicuously displayed in the place of business in a place customarily open to the public.

(c)(1) A licensee shall keep at the licensee's place of business the usual and customary records pertaining to transactions performed under the license.

(2) As used in this subsection, "usual and customary records" includes any documents or information identified by rule under § 23-103-411.

23-103-415. Rules promulgated by Insurance Commissioner Appointment of title insurance agent or title insurance agency.

~~The Insurance Commissioner shall issue rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to implement this subchapter.~~

(a) As used in this section, "appointment" means the notification filed with the Arkansas Land Title Commission that a title insurer has:

(1) Established a contractual title insurance agency relationship with a licensed title insurance agency; or

(2) Approved a licensed title insurance agent that is employed by a title insurance agency with which the insurer has a contractual relationship.

(b)(1)(A) A title insurer that appoints a title insurance agent or title insurance agency in this state shall file with the commission the initial appointment and pay an appointment fee prescribed by the commission.

(2) The appointing title insurer's appointment of a title insurance agent or title insurance agency shall be an indication to the commission that the insurer has reviewed the background and fitness of the principals of the title insurance agent or title insurance agency to be a title insurance agent.

(b) Each appointment shall remain in effect until the title insurance agent's or title insurance agency's license is revoked or otherwise terminated unless written notice of earlier termination of the appointment is filed with the commission by the title insurer or title insurance agency.

23-103-416. ~~Penalties — Liabilities~~ Change of name or address.

~~(a) If the Insurance Commissioner determines that a title insurer, title insurance agency, title insurance agent, or any other person has violated this subchapter or any rule or order promulgated under this subchapter, the commissioner may order:~~

~~(1)(A) Payment of a monetary penalty not to exceed one thousand dollars (\$1,000) for each act or violation and not to exceed an aggregate penalty of ten thousand dollars (\$10,000) unless the title insurer, title insurance agency, title insurance agent, or other person knew or reasonably should have known that the title insurer, title insurance agency, title insurance agent, or other person was in violation of this subchapter.~~

~~(B) If the title insurer, title insurance agency, title insurance agent, or other person knew or reasonably should have known that the title insurer, title insurance agency, title insurance agent, or other person was in violation of this subchapter, the penalty shall not exceed five thousand dollars (\$5,000) for each act or violation and not exceed an aggregate penalty of fifty thousand dollars (\$50,000) in any six-month period; or~~

~~(2) Suspension or revocation of the title insurer's, title insurance agency's, title insurance agent's, or other person's license if the title insurer, title insurance agency, title insurance agent, or other person knew or reasonably should have known that the title insurer, title insurance agency, title insurance agent, or other person was in violation of this subchapter.~~

~~(b) If an order of rehabilitation or liquidation of the title insurer or of conservation of assets of the title insurer has been entered and the receiver appointed under the order determines that the title insurance agency or title insurance agent or any other person has not complied with this subchapter or any rule or order promulgated under this subchapter and the title insurer suffered any resulting loss or damage, the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the title insurer and its policyholders and creditors.~~

~~(c) This section does not affect the right of the commissioner to impose any other penalties provided under § 23-64-101 et seq.~~

(a)(1) If a licensee under this subchapter changes the licensee's name, place of business, or address shown on the licensee's license or loses the license, the licensee shall notify the Arkansas Land Title Commission within thirty (30) days of the change or loss.

(2) Upon receipt of the notice and payment of the applicable fee, the commission shall reissue the license that was changed or lost.

(b) It is the responsibility of each licensee to keep the commission notified of any changes in email address and home and business mailing addresses at all times.

(c) Upon the termination of an appointed or affiliated licensee's employment by or affiliation with a licensed title insurance agency, the title insurance agency shall promptly notify the commission of the termination.

23-103-417. Access to public records Mandatory reporting of fraudulent acts.

~~(a) A title insurance agent, a title insurance agency, and a person affiliated with a title insurance agency shall:~~

~~(1) Have free access to the instruments of record affecting real property filed in any city, county, or state office; and~~

~~(2) Be permitted to:~~

~~(A) Occupy reasonable space, use equipment, and make memoranda, notations, and copies of instruments of record during the business hours of the city, county, or state office; and~~

~~(B) Compile, post, copy, and maintain books, records, and indices.~~

~~(b)(1) A title insurance agent, a title insurance agency, and a person affiliated with a title insurance agency has the right of access to any instrument filed of record in a city, county, or state office no later than the close of business of the first business day following the day the instrument was filed.~~

~~(2) A fee shall not be charged for providing access to the instrument.~~

~~(c) As used in this section, "access" means possession of an instrument sufficient to mechanically reproduce the instrument in the office where the instrument is filed.~~

~~(d)(1) A person entitled to access under this section that is denied access may petition immediately to a circuit court of competent jurisdiction.~~

~~(2) Upon written complaint of a person or an interested party denied a right provided by this section, the circuit court having jurisdiction shall hear the complaint within seven (7) days of the date the complaint is filed.~~

~~(3)(A) In an action or appeal of an action to enforce the rights granted by this section, the court shall assess against a losing party reasonable attorney's fees and other litigation expenses reasonably incurred by a party that has substantially prevailed unless the court finds that the position of the losing party was substantially justified or that other circumstances make an award of attorney's fees and other litigation expenses unjust.~~

~~(B) Expenses shall not be assessed against the State of Arkansas or any of its agencies or departments.~~

~~(C) If at trial a defendant has substantially prevailed in the action, the court may assess attorney's fees and litigation expenses against a plaintiff only upon a finding that the action was initiated primarily for frivolous or dilatory purposes.~~

Section 23-66-501 et seq. concerning fraudulent insurance act prevention applies to a title insurance agency and a title insurance agent.

23-103-418. Title insurance agencies — Prohibited conduct.

(a) An appointed title insurance agency licensed under this chapter shall not issue as an insurer:

(1) Closing protection; or

(2) A title insurance policy.

(b) A title insurance agency shall not permit a person not properly licensed under this chapter to sell, negotiate, or engage in the business of title insurance on behalf of a title insurer, title insurance agent, or title insurance agency.

23-103-419. Title insurance agents — Requirements — Prohibited conduct.

(a) A title insurance policy and title insurance commitment covering an insurable interest in title to real property located in this state shall be signed by a title insurance agent who is:

(1) Properly appointed by a title insurer;

(2) Affiliated with a title insurance agency licensed under this subchapter; and

(3) Licensed under this chapter.

(b)(1) A title insurance agent shall be competent, trustworthy, financially responsible, and of good personal and business reputation.

(2) The Arkansas Land Title Commission may require documentation to verify an individual's qualifications for licensure under this subchapter.

(c) The following acts, conduct, or practices are prohibited and may result in disciplinary action by the commission under this chapter:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment;

(2) Violating this chapter or a rule or order adopted under this chapter;

(3) Being convicted of or pleading guilty or nolo contendere to a felony or crime involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness whether or not the imposition of sentence has been deferred or suspended;

(4) Making a substantial misrepresentation;

(5) Failing within a reasonable time to account for or to remit moneys in the licensee's possession that belong to others;

(6) Being convicted of any act involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness;

(7) Acting as a title insurance agent while not affiliated with a licensed title insurance agency;

(8) Advertising in a false, misleading, or deceptive manner;

(9) Being unworthy or incompetent to act as a title insurance agent or on behalf of a title insurance agency in such a manner as to safeguard the interests of the public and the land title industry in this state; or

(10) Any other conduct, whether of the same or a different character from that specified in this section, which constitutes improper, fraudulent, or dishonest dealing.

(d) A title insurance agent shall not:

(1) Permit a person not properly licensed under this chapter to sell, negotiate, or engage in the business of title insurance on behalf of a title insurer, title insurance agent or title insurance agency; or

(2) Issue as an insurer:

(A) Closing protection; or

(B) A title insurance policy.

Subchapter 5. Abstracters

23-103-501. Penalties.

If a licensed abstracter knowingly falsifies a public record or information contained therein, the licensed abstracter shall be guilty of a felony and punished accordingly in addition to the licensed abstracter's civil liability.

23-103-502. Certificate of registration required.

(a)(1) A person, firm, or private corporation engaged in the business of abstracting in only one (1) county in this state, shall be or have in its employ a registered abstracter.

(2) A person, firm, or private corporation engaged in the business of abstracting in more than one (1) county in this state shall have at least one (1) registered abstracter for each county in which it maintains an abstracting office.

(b) A person shall not execute an abstract certificate or otherwise attest to the accuracy of an abstract of title unless the person is a registered abstracter.

(c)(1) Each person engaged in the business of abstracting who is a registered abstracter may fulfill the requirements of subsection (a) of this section in one (1) county only.

(2) A registered abstracter shall not fulfill the requirements of subsection (a) of this section for more than one (1) county or more than one (1) company at any one (1) time.

23-103-503. Certificate of registration — Application.

(a) A person desiring to become a registered abstracter shall make application to the Arkansas Land Title Commission for a certificate of registration.

(b) The application required under this section shall be in a form prepared by the commission and shall contain such information as may be necessary to assist the commission in registration and to determine if the applicant is of good moral character.

(c) Except as provided in subsection (e) of this section, each application required under this section shall be accompanied by an examination fee established by the commission.

(d) Upon receipt of a properly completed application and the fee required under this section, the commission shall notify the applicant of the time and place of the next scheduled examination, and notice of the examination shall be given to the applicant by mail.

(e) A person authorized to practice law in this state shall be issued a certificate of registration upon application without examination or payment of an examination fee.

23-103-504. Certificate of registration — Examination.

The examination required under this subchapter shall be in the form of written interrogatories prescribed by the Arkansas Land Title Commission to determine the proficiency of the applicant.

23-103-505. Certificate of registration — Issuance or reapplication.

(a)(1) If an applicant for a certificate of registration satisfactorily passes the examinations required for obtaining a certificate of registration and is of good moral character, the applicant shall be certified as a registered abstracter, and the certificate of registration shall be issued to him or her.

(2) The privileges granted by the certificate of registration shall continue unless revoked under this chapter or unless the certificate of registration is otherwise surrendered to the Arkansas Land Title Commission.

(b)(1) The certificate of registration shall be in a form prescribed by the commission and shall attest that the holder of the certificate of registration possesses the knowledge, skill, ability, and understanding of abstracting and is designated a registered abstracter.

(2) The certificate shall be prominently displayed in the abstracting office where the holder of the certificate of registration is employed.

(c) An applicant who fails to satisfy the commission that he or she possesses the qualifications or proficiency to become a registered abstracter may reapply for a certificate of registration if the application is accompanied by the examination fee provided by § 23-103-503, but an application shall not be submitted sooner than thirty (30) days following the date on which the last previous examination was administered to the applicant.

(d) Each holder of a certificate of registration shall pay an annual fee established by the commission.

23-103-506. Temporary certificate of registration.

(a) Upon the application of a person that succeeds to the ownership of an abstract plant by any means other than by purchase or a person who by reason of the incapacity of a registered abstracter who holds a certificate of abstracting authority is required to assume the operation of an abstract plant, the Arkansas Land Title Commission may grant the person without examination a temporary certificate of registration.

(b) The fee for a temporary certificate of registration shall be set by the commission.

(c) The temporary certificate of registration shall expire on the later of:

(1) Six (6) months after the temporary certificate of registration is issued; or

(2) The expiration of sixty (60) days after the next examination for a certificate of registration could have been taken by the applicant under the rules of the commission.

(d) The commission shall notify the applicant by mail of the time and place of the examination required under this section.

23-103-507. Unregistered assistants.

This subchapter does not prohibit a person, firm, or corporation that holds a valid and subsisting certificate of authority from employing clerical and stenographic assistants who are not registered under this subchapter that are deemed necessary to conduct the business of abstracting.

23-103-508. Certificate of abstracting authority required.

A person, firm, or corporation shall not own or operate an abstract plant for engaging in the business of abstracting in this state until a certificate of abstracting authority has been issued to the person, firm, or corporation by the Arkansas Land Title Commission.

23-103-509. Certificate of abstracting authority — Application — Issuance.

(a) A person, firm, or corporation desiring to own or operate an abstract plant for engaging in the business of abstracting in this state shall make application to the Arkansas Land Title Commission for a certificate of abstracting authority.

(b) The application shall:

(1) Be in a form prepared by the commission;

(2) Contain such information as may be necessary to assist the commission in determining whether the applicant has complied with this chapter; and

(3) Be accompanied by an application fee established by the commission.

(c) The applicant for a certificate of abstracting authority shall furnish proof that:

(1) The applicant has available an abstract plant for each county for which abstracts will be prepared that is available for examination by the commission;

(2) The applicant is or has employed a registered abstracter; and

(3) The bond requirements provided by § 23-103-512 have been met.

(d)(1) If the commission determines the requirements of subsections (a)-(c) of this section have been satisfied, the commission shall issue a certificate of abstracting authority to the applicant that indicates each county of this state in which the applicant may operate.

(2) The certificate of abstracting authority shall be prominently displayed in each office the applicant uses to conduct business under the certificate of abstracting authority.

23-103-510. Certificate of abstracting authority — Expiration — Renewal.

(a) A certificates of abstracting authority issued under this subchapter shall expire on July 1 of the following year.

(b) A certificate of abstracting authority may be renewed under this section for one (1) year upon payment of the renewal fee established by the Arkansas Land Title Commission.

(c)(1)(A) No more than sixty (60) days nor less than thirty (30) days before the expiration date of the a certificate of abstracting authority the commission shall cause a notice of expiration and application for renewal to be mailed to each holder of a certificate of abstracting authority.

(B) The notice and application shall be in a form prepared by the commission.

(2) Upon determination by the commission of the applicant's compliance with this chapter, a renewal certificate of abstracting authority shall be issued to the applicant.

(d)(1)(A) If a holder of a certificate of abstracting authority fails to apply for renewal of his or her certificate of abstracting authority and pay the renewal fee, the commission shall mail a notice to the holder of a certificate of abstracting authority that his or her certificate of abstracting authority has expired and is no longer authority to engage in the business of abstracting.

(B) The notice shall be mailed not more than thirty (30) days following the expiration date of the certificate of abstracting authority.

(C) The holder of a certificate of abstracting authority shall be granted an additional period of sixty (60) days from the date of mailing the notice within which to file the application for renewal.

(2) If a holder of a certificate of abstracting authority fails to renew his or her certificate of abstracting authority under this section;

(A) The name of the holder of a certificate of abstracting authority shall be stricken from the records of the commission; and

(B) The holder of a certificate of abstracting authority shall no longer engage in the business of abstracting in this state until authorized by the commission.

23-103-511. Access to public records.

(a) A holder of a certificate of abstracting authority and the holder's employees engaged in the business of abstracting shall:

(1) Have access to the public records in any office of any city or county or of the state; and

(2) Be permitted to make memoranda, notations, and copies from the records and to occupy reasonable space including space for equipment in the county recorder's office, subject to reasonable regulation by the county recorder and during the business hours of the office, in order to enable the holder of a certificate of abstracting authority to make and prepare abstracts and to compile, post, copy, and maintain their books, records, and indices.

(b) Only the county recorder shall remove real estate records from the county recorder's office.

23-103-512. Bond, insurance, or personal surety.

(a)(1)(A) Before the certificate of abstracting authority is issued, the applicant shall file with the Arkansas Land Title Commission a bond approved by the commission conditioned upon the payment by the applicant of all damages that may be sustained by or may accrue to any person, firm, or corporation for whom the applicant may compile, make, or furnish abstracts of title by reason of or on account of any error, deficiency, or mistake in an abstract of title.

(B) The bond shall be written by a corporate surety or other company licensed and authorized to do business in this state.

(2)(A) The bond shall remain in full force and effect for a period of one (1) year and may be renewed annually by a continuation certificate.

(B) The continuation certificate authorized under subdivisions (a)(2) of the section shall not operate to increase the penal sum of the bond beyond the limits established in this section.

(3)(A) The penal sum of the bond shall be dependent upon aggregate population, according to the latest federal decennial census, of all counties in which the applicant proposes to conduct the business of abstracting, as follows:

<u>If the population is:</u>	<u>The penalty of the bond shall be:</u>
<u>Less than 25,000</u>	<u>\$ 5,000</u>
<u>More than 25,000 but less than 50,000</u>	<u>10,000</u>
<u>50,000 but less than 100,000</u>	<u>15,000</u>
<u>100,000 but less than 200,000</u>	<u>20,000</u>
<u>Over 200,000</u>	<u>25,000</u>

(B) A person, firm, or corporation shall be required at any time to have in force and effect and filed with the commission valid bonds in excess of the penal sum of twenty-five thousand dollars (\$ 25,000).

(b)(1) In lieu of the bond or bonds provided for in subsection (a) of this section, the applicant may file proof with the commission that he or she carries abstracters' liability insurance in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section.

(2) The proof shall be the filing of the actual policy or a certificate showing the issuance thereof by the insurance company.

(c)(1) In lieu of bond or bonds or liability insurance provided for in subsections (a) and (b) of this section, the applicant shall have the right to file with the commission a personal surety bond in such a sum as would be required using the population scale in subdivision (a)(3)(A) of this section, made in favor of any person or client that may suffer a loss for which he or she is liable, which shall be accepted in lieu of the insurance policy.

(2) The personal bond shall have the signatures of at least three (3) other persons thereon whose total net worth shall be at least three (3) times the total amount of the personal bond.

(3) The applicant shall pay for the actual cost of the credit reports on the bondsmen.

23-103-513. Revocation of certificates of registration and certificates of abstracting authority — Grounds.

(a) The Arkansas Land Title Commission is authorized, after a hearing as provided in § 23-103-514, to revoke a certificate of registration issued to any person under this chapter:

(1) For a violation of this chapter;

(2) Upon conviction of the person of a crime involving moral turpitude;

or

(3) If the commission finds the person to be guilty of habitual carelessness or of fraudulent practices in conducting the business of abstracting.

(b) The commission is authorized after a hearing as provided in § 23-103-514, to revoke a certificate of abstracting authority issued to any person, firm, or corporation under this subchapter for:

(1) Failure to furnish the bond or bonds, or other securities, required by § 23-103-512;

(2) Failure to properly maintain an abstract plant;

(3) Failure to have employed a registered abstracter as provided in § 23-103-502; or

(4) Otherwise violating this chapter.

23-103-514. Sanctions — Procedure — Appeal.

(a)(1) The Arkansas Land Title Commission shall cause the Executive Director of the Arkansas Land Title Commission to investigate an alleged violation of this chapter upon receipt of a verified, written complaint or upon the its own motion if it has reason to believe any of the following has occurred:

(A) That the holder of a certificate of registration:

(i) Violated a provision of this subchapter applicable to a registered abstractor;

(ii) Was convicted of a crime involving moral turpitude; or

(iii) Was habitually careless or engaged in fraudulent practices in the business of abstracting; or

(B) That the holder of a certificate of abstracting authority:

(i) Failed to furnish the a bond or other securities required by § 23-103-512;

(ii) Failed to have employed a registered abstractor; or

(iii) Violated of any other provision of this subchapter applicable to the holder of a certificate of abstracting authority.

(2) The executive director may hire an independent investigator to conduct all or part of the investigation and report his or her findings to the executive director.

(b) If the executive director determines that a prima facie case of a violation of this chapter exists, the executive director shall initiate the procedures for an administrative adjudication under the Arkansas Administrative Procedure Act, § 25-15-210 et seq.

(c) If the commission determines that:

(1)(A) Insufficient proof of the alleged violation exists, the commission shall dismiss the complaint.

(B) The person that filed the complaint may appeal the decision under the Arkansas Administrative Procedure Act, § 25-15-210 et seq.; or

(2) Sufficient proof of the alleged violation exists, the commission may impose an appropriate sanction, if any, including without limitation, one (1) or more of the following sanctions or requirements:

(A) A reprimand or censure;

(B) A suspension, revocation, denial, or refusal to renew a certificate of registration or certificate of abstracting authority;

(C) A penalty not to exceed one thousand dollars (\$1,000) for each violation;

(D) Completion of appropriate educational programs or courses;

(E) Successful completion of an appropriate examination;

(F) Conditions or restrictions upon the person's certificate of registration or certificate of abstracting authority; and

(G) Payment of restitution, damages, or other penalties appropriate to the circumstances of the case that would:

(i) Achieve the desired disciplinary purpose;

(ii) Compensate or reimburse an injured party or the commission; or

(iii) Promote the regulation of the business of abstracting.

(d) The commission may:

(1) Suspend the imposition of a sanction imposed upon appropriate terms and conditions; and

(2) File suit in Pulaski County Circuit Court or the circuit court of the county where a sanctioned holder of a certificate of registration or certificate of abstracting authority resides or does business to collect a penalty assessed under this chapter if the penalty is not paid as ordered by the commission.

(e) An appeal shall stay the cancellation of a certificate of registration or certificate of authority until the final decision on appeal.

23-103-515. Seal.

The holder of a certificate of abstracting authority under this subchapter shall:

(1) Provide a seal containing the name of the holder of the certificate of abstracting authority; and

(2) Deposit with the Arkansas Land Title Commission an impression of the seal and the names of all registered abstracters authorized to certify an abstract on behalf of the holder of the certificate of abstracting authority.

23-103-516. Abstract as evidence.

An abstract or photocopy or verbatim copy of a public record certified and impressed with the official seal of a holder of a certificate of abstracting authority shall be admissible in evidence, if otherwise admissible, on behalf of any party litigant in any court in the State of Arkansas and shall be prima facie evidence of the facts recited therein.

SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the continued, uninterrupted regulation of the title insurance industry and abstracters is essential to the well-being of the state; that the transition of funds, resources, and responsibilities required by this act should coincide with the state's fiscal year; and that to provide for the efficient operation and regulation of the title insurance industry and abstracters it is necessary for this act to become effective on July 1, 2015. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2015."

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 172 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 226** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 226

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

Page 1, line 27, delete "(b)(1)(A)" and substitute "(b)(1)~~(A)~~"
 AND

Page 1, line 28, delete "(i)(a)" and substitute "(A)"
 AND

Page 1, line 30, delete "school-, if any." and substitute "school, if any;"
 AND

Page 1, line 32, delete "(b)" and substitute "(B)"

Page 1, delete line 33 and substitute the following:

"student enrolled in grade ten (10) at the public school-, if any;

(C)(i) Administer the ACT in grade ten (10), grade eleven (11), or grade twelve (12) to each student who meets the federal or state requirements for assessment, if any.

(ii) The ACT may be administered to a student more than once, in one (1) or more grades at the discretion of the Department of Education; or"

AND

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

AND

Page 1, line 35, delete "level." and substitute "level, including the ACT in grade ten (10), grade eleven (11), or grade twelve (12) to each student who meets the federal or state requirements for assessment.

(ii) The ACT may be administered to a student more than once, in one (1) or more grades at the discretion of the department."

AND

Page 2, line 4, delete "or PSAT" and substitute "~~or~~ PSAT, or ACT"

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 226 was ordered engrossed.

On motion of Senator English, **Senate Bill No. 368** was placed back on second reading for purpose of Amendment No. 5.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 5 to SENATE BILL NO. 368

Amend **Senate Bill No. 368** as engrossed, S2/26/15:

Page 3, delete lines 9 and 10, and substitute the following:

"(1) Moneys obtained from private grants or other sources that"

AND

Page 3, line 12, delete "(3)" and substitute "(2)"

AND

Page 4, line 31, delete "and"

AND

Page 4, delete line 33, and substitute the following:

"services industry; and

(K) At the discretion of the Governor, up to three (3) members representing industries not represented in subdivisions (b)(1)(A) through (b)(1)(J) of this section; and"

AND

Page 5, line 4, delete "and"

AND

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

"(E) The Director of the Department of Workforce Services;

(F) One (1) member to represent the Arkansas Association of Public Universities; and

(G) One (1) member to represent the Arkansas Association of Educational Administrators."

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 368 was ordered engrossed.

On motion of Senator English, **Senate Bill No. 371** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 371

Amend **Senate Bill No. 371** as originally introduced:

Page 1, line 33, delete “education” and substitute “education and technical institutes”

AND

Page 2, line 6, delete “education to provide” and substitute “education and technical institutes to provide”

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

Amend **Senate Bill No. 371** as engrossed.

On motion of Senator Clark, **Senate Bill No. 509** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 509

Amend **Senate Bill No. 509** as originally introduced:

Page 1, delete lines 8 through 11, and substitute the following:

"AN ACT PROVIDING FOR CIVIL LIABILITY FOR WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A POLITICAL VOTE; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 15 through 18, and substitute the following:

"PROVIDING FOR CIVIL LIABILITY FOR WRONGFUL DISSEMINATION OF AN ELECTRONIC COMMUNICATION TO INFLUENCE A POLITICAL VOTE."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add a new section to read as follows:

16-118-111. Civil action for damages caused by wrongful dissemination of an electronic communication to influence a political vote.

(a) As used in this section:

(1) "Electronic communication" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, phone texting, or an online messaging service; and

(2) "Political vote" means a vote by a member of the House of Representatives or Senate with respect to an issue before the General Assembly or a committee of the General Assembly.

(b) A victim whose identity is wrongfully misappropriated or misidentified by another person by that person's purposeful transmission or posting of an electronic communication that is purported to be from the victim without permission from the victim and that expresses an opinion concerning a political issue before the General Assembly with the purpose to influence a political vote may bring a civil action for any injury and recover any damages sustained and for the costs of the civil action.

(b) If a victim prevails in a civil action under this section, damages shall include without limitation a mandatory damage award of five thousand dollars (\$5,000) per prosecutable act.

(c) A civil action under this section shall be brought within three (3) years from the date the action is discovered or should have been discovered by the exercise of reasonable diligence.

(SIGNED) SENATOR ALAN CLARK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 509 was ordered engrossed.

On motion of Senator B. Johnson, **Senate Bill No. 600** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 600 to SENATE BILL NO. 600

Amend **Senate Bill No. 600** as originally introduced:

Add Senators Collins-Smith, Bledsoe, Caldwell, A. Clark, J. Cooper, J. English, Files, Flippo, J. Hendren, Hester, Hickey, J. Hutchinson, Irvin, B. King, Rapert, Rice, D. Sanders, G. Stubblefield, E. Williams, J. Woods as cosponsors of the bill

AND

Add Representatives Lundstrum, Tosh, Baltz, Bell, Bentley, Cozart, Eads, C. Fite, Gonzales, M. Gray, Ladyman, J. Mayberry, McNair, Miller, Ratliff, B. Smith, Speaks, Sullivan, Wallace as cosponsors of the bill

AND

Page 4, delete lines 18 and 19 and substitute the following:
"(3) Identify and select a screening tool as a part of the"

AND

Page 4, line 34, delete "July 31" and substitute "December 31"

AND

Page 8, delete lines 19 and 20 and substitute the following:

"This subchapter shall be effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning date of the pilot program, unless amended or extended by the General Assembly."

(SIGNED) SENATOR B. JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 600 was ordered engrossed.

On motion of Senator Caldwell, **Senate Bill No. 688** was placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 2 to SENATE BILL NO. 688

Amend **Senate Bill No. 688** as originally introduced:

Page 2, line 4, delete "currently"

AND

Page 2, line 19, delete "'B" AB rated" and substitute "'B" rated"

AND

Page 2, line 21, delete "Medi-span™" and substitute "Medi-span™, Gold Standard,"

AND

Page 2, line 32, delete "cost or" and substitute "cost from sixty percent (60%) or more of the pharmaceutical wholesaler doing business in the state or"

AND

Page 3, line 4, delete "maximum allowable costs for" and substitute "maximum allowable costs and reimbursements made under a maximum allowable cost for"

AND

Page 3, delete lines 8 and 9 and substitute the following:

"~~(ii)(b) Being below the cost at which the pharmacy may obtain the drug~~ (b) Being below the pharmacy acquisition cost."

AND

Page 3, delete lines 16 and 17 and substitute the following:

"benefits plan or program or through a pharmacy service administrative organization; and"

AND

Page 4, line 8, delete "when" and substitute "from whom"

AND

Page 4, delete line 11 and substitute the following:

"challenging pharmacy's pharmacy acquisition cost and permit the pharmacy to reverse and rebill each claim affected by the inability to procure the drug at a cost that is equal to or less than the previously challenged maximum allowable cost."

AND

Page 4, delete lines 12 through 20

AND

Page 4, line 21, delete "(e)" and substitute "(d)(1)"

AND

Page 4, line 22, delete "reimbursed to" and substitute "that the pharmacy benefits manager reimburses"

AND

Page 4, delete line 24 and substitute the following:
"services.

(2) The amount shall be calculated on a per unit basis based on the same generic product identifier or generic code number."

AND

Page 4, line 25, delete "(f)" and substitute "(e)"

AND

Page 4, delete line 27 and substitute the following:

"Maximum Allowable Cost List, a pharmacy or pharmacist is to be paid less than the"

AND

Page 4, line 29, delete "(g)(1)" and substitute "(f)(1)"

AND

Page 4, line 30, delete "Program." and substitute "Program or the Employee Benefits Division of the Department of Finance and Administration."

AND

Page 4, line 32 delete "Program" and substitute "Program or the Employee Benefits Division"

AND

Page 4, line 33 delete "Program" and substitute "Program or the Employee Benefits Division"

AND

Page 4, line 35, delete "(e)(h)" and substitute "(e)(g)"

(SIGNED) SENATOR RONALD

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 688 was ordered engrossed.

On motion of Senator Flowers, **Senate Bill No. 695** was placed back on second reading for purpose of Amendment No. 1 and 2.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 695

Amend **Senate Bill No. 695** as originally introduced:

Add Senators J. English, Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, J. Cooper, J. Dismang, Elliott, Files, Flippo, J. Hendren, Hester, Hickey, K. Ingram, Irvin, B. Johnson, D. Johnson, U. Lindsey, Maloch, B. Pierce, Rapert, B. Sample, D. Sanders, Teague, E. Williams as cosponsors of the bill

AND

Add Representatives V. Flowers, Cozart, C. Armstrong, E. Armstrong, Blake, Bragg, K. Ferguson, Fielding, K. Hendren, M. Hodges, Jean, Jett, Leding, Magie, G. McGill, D. Meeks, Nicks, Ratliff, Vines, Walker, D. Whitaker, Womack as cosponsors of the bill

(SIGNED) SENATOR STEPHANIE FLOWERS

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

(SIGNED) ANN CORNWELL, SECRETARY

Amendment No. 2 to SENATE BILL NO. 695

Page 1, line 8, delete "REAL" and substitute "FEES, PENALTIES, AND FINES COLLECTED UNDER THE LOCAL OPTION HORSE RACING AND GREYHOUND RACING ELECTRONIC GAMES OF SKILL ACT"

AND

Page 1, line 9, delete "PROPERTY TRANSFER TAX REVENUES"

AND

Page 1, line 11, delete "BLUFF" and substitute "BLUFF; TO DECLARE AN EMERGENCY"

AND

Delete the subtitle in its entirety and substitute:
 "TO AMEND THE DISTRIBUTION OF CERTAIN FEES, PENALTIES, AND FINES RELATING TO ELECTRONIC GAMES OF SKILL; TO PROVIDE FUNDING FOR LAND-GRANT MATCH PAYMENTS FOR THE UNIVERSITY OF ARKANSAS AT PINE BLUFF; AND TO DECLARE AN EMERGENCY."

AND

Delete SECTION 3 in its entirety, and substitute the following:

"SECTION 3. Arkansas Code § 23-113-604, concerning the distribution of certain privilege fees, license fees, permit fees, penalties, and fines collected under the Local Option Horse Racing and Greyhound Racing Electronic Games of Skill Act, is amended to add an additional subsection to read as follows:

(c)(1) Any privilege fees collected by the director under this chapter and the permit or license fees, penalties, and fines collected by the commission under this chapter that exceed forty-four million eight hundred thousand dollars (\$44,800,000) in the aggregate for the fiscal year, up to the amount verified under § 6-64-1014, shall be held in a subfund created on the books of the Chief Fiscal Officer of the State, the State Treasurer, and the Auditor of the State.

(2) The Department of Finance and Administration shall annually transfer the amount in the subfund created under subdivision (c)(1) of this section to the University of Arkansas at Pine Bluff Fund to be used to make the required state match under the Agricultural College Act of 1890, 7 U.S.C. 321 et seq., for the following fiscal year, as provided in § 6-64-1014.

(3) Any privilege fees, permit or license fees, penalties, and fines collected that exceed the amount held in the subfund under subdivision (c)(1) of this section shall be distributed under subsections (a) and (b) of this section.

(4) This subsection provides funding that is supplemental to but not in lieu of any other funding used to make the required state match under the Agricultural College Act of 1890, 7 U.S.C. 321 et seq.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the University of Arkansas at Pine Bluff is one (1) of only two (2) land grant universities in the State of Arkansas; that the University of Arkansas at Pine Bluff is the only land-grant university in the state that does not receive sufficient general revenues to fund the required state match for land-grant universities under federal law; and that this act is immediately necessary because it will provide essential state land-grant match funds. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

Senate Bill No. 695 was ordered engrossed.

On motion of Senator Irvin, **Senate Bill No. 751** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 751

Amend **Senate Bill No. 751** as originally introduced:

Page 1, line 34, delete "§ 16-10-604" and substitute "§ 16-10-604(d)(1)(A)"

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 751 was ordered engrossed.

On motion of Senator Elliott, **Senate Bill No. 775** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 775

Amend **Senate Bill No. 775** as originally introduced:

Page 2, line 12, delete "(d)(1)" and substitute "(d)(1)(A)"

AND

Page 2, delete line 13, and substitute the following:

"identify putative parents in a dependency-neglect proceeding.

(B) Diligent efforts shall include without limitation checking the putative father registry."

AND

Page 2, line 15, delete "notice of" and substitute "notice under Rule 4 of the Arkansas Rules of Civil Procedure of"

AND

Page 3, delete lines 25 and 26, and substitute the following:

"(4)(A)(i) A putative parent has the burden to prove significant contacts with the child, so that putative rights attach."

AND

Page 4, line 15, delete "(o)(1)" and substitute "(o)(1)(A)"

AND

Page 4, delete line 16, and substitute the following:

"parents in a dependency-neglect proceeding.

(B) Diligent efforts shall include without limitation checking the putative father registry."

AND

Page 4, line 18, delete "notice of" and substitute "notice under Rule 4 of the Arkansas Rules of Civil Procedure of"

AND

Page 4, delete lines 31 and 32, and substitute the following:

"(4) A putative parent has the burden to prove significant contacts with the child, so that putative rights attach."

(SIGNED) SENATOR JOYCE ELLIOTT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 775 was ordered engrossed

On motion of Senator D. Johnson, **Senate Bill No. 848** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 848

Amend **Senate Bill No. 848** as originally introduced:

Add Representative Tucker as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended to add an additional section to read as follows:

9-27-368. Risk and needs assessments.

(a) The Administrative Office of the Courts shall work with the circuit courts to implement a validated risk and needs assessment that shall be provided to the juvenile divisions of the circuit courts to be used at delinquency disposition hearings and to aid in juvenile treatment plans.

(b) A juvenile division circuit court judge shall have the discretion to designate either a trained juvenile intake or probation officer to conduct the validated risk and needs assessment in the court of the circuit court judge.

(c)(1) The juvenile intake or probation officer conducting the risk and needs assessment shall interview the juvenile and the juvenile's parent, guardian, or custodian.

(2) Information gathered by the juvenile intake or probation officer during the intake process implemented to complete the risk and needs assessment shall be confidential and shall not be used against the juvenile in the delinquency proceeding.

(3) The juvenile intake or probation officer conducting the risk and needs assessment shall not discuss any offense for which the juvenile is currently charged during the intake assessment.

(d) A risk and needs assessment prepared for a delinquency disposition hearing shall be provided to the necessary parties seven (7) days in advance and presented to the court at the disposition hearing.

(e)(1) The court may order an updated risk and needs assessment that should be updated when there are significant changes in the juvenile's treatment plan.

(2) Any revisions or updates to the risk and needs assessment shall be provided to the necessary parties seven (7) days in advance of a court hearing in the delinquency proceeding.

(f) Juvenile risk and needs assessments may be provided to the Division of Youth Services personnel, service providers, and other necessary persons designated by the court to provide appropriate treatment and case plan services."

(SIGNED) SENATOR D. JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 848 was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 880** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 880

Amend **Senate Bill No. 880** as originally introduced:

Page 1, delete lines 33 through 35

AND

Page 1, line 36, delete "(c)" and substitute "(b)"

AND

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

"may certify training for law enforcement officers for approved methods and techniques on the use of mechanical and other tourniquets as recommended by the Committee on Tactical Combat Casualty Care."

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 880 was ordered engrossed.

On motion of Senator Hester, **Senate Bill No. 912** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 912

Amend **Senate Bill No. 912** as originally introduced:

Page 2, delete line 10 and substitute the following:

"an administrative proceeding or a criminal investigation or prosecution.

(c) The information required in subsection (a) of this section shall:

(1) Be in the same font and size as the other language on or in the advertisement; and

(2) Appear as prominent as other language used in the advertisement."

(SIGNED) SENATOR BART HESTER

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 912 was ordered engrossed.

On motion of Senator Files, **Senate Bill No. 925** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to SENATE BILL NO. 925

Amend **Senate Bill No. 925** as originally introduced:

Page 6, line 16, delete "state shall" and substitute "state, upon request, shall"

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 925 was ordered engrossed.

On motion of Senator Irvin, **House Bill No. 1133** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1133

Amend **House Bill No. 1133** as engrossed, H2/23/15:

Add Senator Irvin as a cosponsor of the bill

(SIGNED) SENATOR MISSY IRVIN

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1133 was ordered engrossed.

On motion of Senator Files, **House Bill No. 1406** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
Amendment No. 1 to HOUSE BILL NO. 1406

Amend **House Bill No. 1406** as engrossed, H2/25/15:

Page 1, line 25, delete "compound."

AND

Page 1, line 26, delete "settle," and substitute "settle"

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Amend **House Bill No. 1406** as engrossed.

Received from the House

HOUSE CONCURRENT RESOLUTION NO. 1008
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES D. DOUGLAS, ET AL.
BY: SENATOR A. CLARK

HOUSE CONCURRENT RESOLUTION ESTABLISHING "TAKE YOUR LEGISLATOR TO SCHOOL MONTH" TO FOSTER AND PROMOTE PRODUCTIVE WORKING RELATIONSHIPS BETWEEN MEMBERS OF THE GENERAL ASSEMBLY AND PUBLIC SCHOOL OFFICIALS.

House Concurrent Resolution No. 1008 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES JEAN, FIELDING, SHEPHERD
BY: SENATOR MALOCH

HOUSE CONCURRENT MEMORIAL RESOLUTION IN RESPECTFUL MEMORY OF THOMAS ARCHIE MONROE AND IN RECOGNITION OF HIS CONTRIBUTIONS TO HIS COMMUNITY.

House Concurrent Memorial Resolution No. 1001 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1097

As Engrossed: H3/6/15

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR STATE TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2016; AND FOR OTHER PURPOSES.

House Bill No. 1097 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1517

As Engrossed: H3/6/15

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR OPERATING EXPENSES AND PROFESSIONAL FEES ASSOCIATED WITH LEASING BED SPACE FROM OUT-OF-STATE FACILITIES; AND FOR OTHER PURPOSES.

House Bill No. 1517 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1518
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF COMMUNITY CORRECTION FOR PERSONAL SERVICES AND OPERATING EXPENSES; AND FOR OTHER PURPOSES.

House Bill No. 1518 was read the first time, rules suspended, read the second time and placed on the Calendar.

On motion of Senator Chesterfield the Senate recessed until 12:15 p.m..

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

The President declared the morning hour to have expired.

On motion of Senator Rapert, **Senate Bill No. 543** was called up for third reading and final disposition.

SENATE BILL NO. 543
As Engrossed: S3/5/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR RAPERT

A Bill for an Act to be Entitled: AN ACT TO CREATE THE JOSHUA ASHLEY-PAULEY ACT; TO PROVIDE IMMUNITY FOR SEEKING MEDICAL ASSISTANCE DURING A DRUG OVERDOSE; AND FOR OTHER PURPOSES.

Senate Bill No. 543 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, Caldwell, E. Cheatham, A. Clark, J. Cooper, J. Dismang, J. English, Flippo, S. Flowers, J. Hendren, Hester, J. Hutchinson, K. Ingram, Irvin, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total25

NEGATIVE: Collins-Smith, B. Johnson.

Total2

ABSENT OR NOT VOTING: Burnett, L. Chesterfield, Elliott, Files, Hickey, D. Johnson, B. King.

Total7

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....27

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. 543 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, Senate Bill No. 46 was called up for third reading and final disposition.

SENATE BILL NO. 46
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON

A Bill for an Act to be Entitled: *AN ACT TO PROVIDE FOR EXTENDED SUPERVISION FOR CERTAIN SEX OFFENDERS WHO WILL BE ELIGIBLE FOR PAROLE, RELEASED FROM PROBATION, OR WILL BE RELEASED FROM THE ARKANSAS STATE HOSPITAL.*

Senate Bill No. 46 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, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total31

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Burnett, Caldwell, J. Dismang.

Total3

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....31

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. 46 was ordered immediately transmitted to the House as passed.

On motion of Senator Clark, **Senate Bill No. 366** was called up for third reading and final disposition.

SENATE BILL NO. 366
As Engrossed: S2/18/15 S2/25/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ALAN CLARK

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ADDITIONAL COMPENSATION TO A TEACHER IN GRADES SEVEN THROUGH TWELVE (7-12) WHO ELECTS TO TEACH MORE THAN THE MAXIMUM NUMBER OF STUDENTS PERMITTED UNDER THE STANDARDS FOR ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Senate Bill No. 366 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Elliott spoke against the Bill.

Senator Irvin spoke on the Bill.

Senator Clark closed for his Bill.

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

AFFIRMATIVE: Bledsoe, Caldwell, A. Clark, Collins-Smith, J. Cooper, J. English, Files, Flippo, J. Hendren, Hester, Hickey, J. Hutchinson, B. Johnson, Maloch, Rapert, Rice, B. Sample, G. Stubblefield, Teague, E. Williams, J. Woods.

Total21

NEGATIVE: E. Cheatham, L. Chesterfield, Elliott, K. Ingram, Irvin, D. Johnson, U. Lindsey, B. Pierce.

Total8

ABSENT OR NOT VOTING: Burnett, J. Dismang, B. King, D. Sanders.

Total4

EXCUSED:

Total0

VOTING PRESENT: S. Flowers.

Total1

Total number of votes cast30

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. 366 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, **Senate Bill No. 646** was called up for third reading and final disposition.

SENATE BILL NO. 646
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON
BY: REPRESENTATIVE SABIN

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW REGARDING MICROBREWERY RESTAURANTS AND SMALL BREWERS; TO AUTHORIZE SMALL BREWERY SALES AT OFF-PREMISES RETAIL SITES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 646 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **Senate Bill No. 646**. Motion carried.

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

AFFIRMATIVE: Burnett, E. Cheatham, L. Chesterfield, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hickey, J. Hutchinson, K. Ingram, Irvin, D. Johnson, B. King, U. Lindsey, B. Pierce, Rice, D. Sanders, J. Woods.

Total22

NEGATIVE: Caldwell, A. Clark, Hester, Maloch, Rapert, B. Sample, G. Stubblefield, Teague, E. Williams.

Total9

ABSENT OR NOT VOTING: Bledsoe, Collins-Smith, B. Johnson.

Total3

EXCUSED:

Total0

VOTING PRESENT:

Total	0
Total number of votes cast.....	31
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

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

There being an emergency clause attached to **Senate Bill No. 646**, 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: Burnett, E. Cheatham, L. Chesterfield, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hickey, J. Hutchinson, K. Ingram, Irvin, D. Johnson, B. King, U. Lindsey, B. Pierce, Rice, D. Sanders, J. Woods.

Total22

NEGATIVE: Caldwell, A. Clark, Hester, Maloch, Rapert, B. Sample, G. Stubblefield, Teague, E. Williams.

Total9

ABSENT OR NOT VOTING: Bledsoe, Collins-Smith, B. Johnson.

Total3

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast31

Necessary to the adoption of the emergency clause.....24

So the emergency clause failed.

(SIGNED) ANN CORNWELL, SECRETARY

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

The record pertaining to the vote by which the emergency clause on **Senate Bill No. 646** failed was expunged, in accordance with a prevailing motion on March 12, 2015.

Senator Hutchinson moved that the record pertaining to the vote by which the emergency clause on **Senate Bill No. 646** failed be expunged, the motion was duly seconded and prevailed.

There being an emergency clause attached to **Senate Bill No. 646**, 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, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, J. Woods.

Total25

NEGATIVE: B. Sample, G. Stubblefield.

Total2

ABSENT OR NOT VOTING: Burnett, Caldwell, Hickey, B. King, D. Sanders, Teague, E. Williams.

Total7

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....27

Necessary to the adoption of the emergency clause.....24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 646 was ordered immediately transmitted to the House.

On motion of Senator Files, **Senate Bill No. 684** was called up for third reading and final disposition.

**SENATE BILL NO. 684
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAWS PERTAINING TO TAXES LEVIED ON TOBACCO PRODUCTS; TO CLARIFY THAT CURRENT LAW IMPOSES AN EXCISE TAX ON ALL TOBACCO PRODUCTS SOLD IN THE STATE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 684 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **Senate Bill No. 684**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 684**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause.....24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 684 was ordered immediately transmitted to the House.

On motion of Senator Files, **Senate Bill No. 726** was called up for third reading and final disposition.

SENATE BILL NO. 726
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES
BY: REPRESENTATIVES MURDOCK, DEFFENBAUGH, COZART, PITSCH

A Bill for an Act to be Entitled: AN ACT TO PROMOTE FAIR AND EQUITABLE ALLOCATION OF LIABILITY IN CONSTRUCTION CONTRACTS; AND FOR OTHER PURPOSES.

Senate Bill No. 726 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **Senate Bill No. 726**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hickey, J. Hutchinson, K. Ingram, Irvin, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total32

NEGATIVE: Hester.

Total1

ABSENT OR NOT VOTING: B. Johnson.

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....33

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. 726 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, **Senate Bill No. 746** was called up for third reading and final disposition.

**SENATE BILL NO. 746
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE ACTIVITIES AND DUTIES OF A COURT CLERK; AND FOR OTHER PURPOSES.

Senate Bill No. 746 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **Senate Bill No. 746**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED:	
Total	0

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. 746 was ordered immediately transmitted to the House as passed.

On motion of Senator Files, **Senate Bill No. 760** was called up for third reading and final disposition.

**SENATE BILL NO. 760
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. FILES**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE CHILD MALTREATMENT ACT; TO REQUIRE INVESTIGATIVE INTERVIEWS WITH A HEALTHCARE PROVIDER INVOLVED WITH A CHILD MALTREATMENT REPORT; AND FOR OTHER PURPOSES.

Senate Bill No. 760 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **Senate Bill No. 760**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

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. 760 was ordered immediately transmitted to the House as passed.

On motion of Senator Elliott, **Senate Bill No. 773** was called up for third reading and final disposition.

**SENATE BILL NO. 773
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR ELLIOTT
BY: REPRESENTATIVE V. FLOWERS**

AN ACT TO CREATE ADDITIONAL FORMS OF CUSTODY IN JUVENILE DELINQUENCY CASES; AND FOR OTHER PURPOSES.

Senate Bill No. 773 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Elliott moved that the Body roll the vote on **Senate Bill No. 773**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

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. 773 was ordered immediately transmitted to the House as passed.

On motion of Senator Woods, **Senate Bill No. 781** was called up for third reading and final disposition.

**SENATE BILL NO. 781
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE EADS**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE EARNING OF MERITORIOUS GOOD TIME CREDITS BY AN INMATE A LOCAL CORRECTIONAL FACILITY; AND FOR OTHER PURPOSES.

Senate Bill No. 781 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **Senate Bill No. 781**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: D. Sanders

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total	0
Total number of votes cast.....	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 781 was ordered immediately transmitted to the House as passed.

On motion of Senator Flowers, **Senate Bill No. 786** was called up for third reading and final disposition.

**SENATE BILL NO. 786
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR S. FLOWERS**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING THE REPORT OF A DEATH OF A CHILD; AND FOR OTHER PURPOSES.

Senate Bill No. 786 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Flowers moved that the Body roll the vote on **Senate Bill No. 786**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

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. 786 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, **Senate Bill No. 790** was called up for third reading and final disposition.

**SENATE BILL NO. 790
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON**

A Bill for an A CLARIFY THE LAW REGARDING EMPLOYEE BENEFITS AND EMPLOYER CONTRIBUTIONS UNDER THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

Senate Bill No. 790 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **Senate Bill No. 790**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 790**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the adoption of the emergency clause.....24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 790 was ordered immediately transmitted to the House.

On motion of Senator Hutchinson, **Senate Bill No. 791** was called up for third reading and final disposition.

**SENATE BILL NO. 791
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HENDREN**

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH THE ARKANSAS WORKFORCE INNOVATION AND OPPORTUNITY ACT; TO REPEAL THE ARKANSAS WORKFORCE INVESTMENT ACT; TO REPEAL THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES OVERSIGHT BOARD AND ESTABLISH IT AS A COMMITTEE OF THE ARKANSAS WORKFORCE DEVELOPMENT BOARD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 791 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **Senate Bill No. 791**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

There being an emergency clause attached to **Senate Bill No. 791**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING:

Total	0
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EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
Total number of votes cast.....	34
Necessary to the adoption of the emergency clause.....	24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 791 was ordered immediately transmitted to the House.

On motion of Senator Hendren, **Senate Bill No. 792** was called up for third reading and final disposition.

**SENATE BILL NO. 792
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HENDREN**

A Bill for an Act to be Entitled: AN ACT TO ENACT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT; AND FOR OTHER PURPOSES.

Senate Bill No. 792 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hendren moved that the Body roll the vote on **Senate Bill No. 792**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED:	
Total	0
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. 792 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, **Senate Bill No. 803** was called up for third reading and final disposition.

SENATE BILL NO. 803
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HESTER
BY: REPRESENTATIVE BELL

A Bill for an Act to be Entitled: AN ACT TO ALLOW A CANDIDATE TO RUN FOR MORE THAN ONE FEDERAL OFFICE SIMULTANEOUSLY; AND FOR OTHER PURPOSES.

Senate Bill No. 803 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 803**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total32

NEGATIVE: S. Flowers

Total1

ABSENT OR NOT VOTING: L. Teague

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 803 was ordered immediately transmitted to the House as passed.

On motion of Senator Woods, **Senate Bill No. 807** was called up for third reading and final disposition.

**SENATE BILL NO. 807
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE M. GRAY**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE LAW CONCERNING WHO MAY VIEW A CRIMINAL BACKGROUND CHECK; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 807 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **Senate Bill No. 807**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

There being an emergency clause attached to **Senate Bill No. 807**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING:

Total	0
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EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
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Total number of votes cast	34
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Necessary to the adoption of the emergency clause.....	24
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So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 807 was ordered immediately transmitted to the House.

On motion of Senator Woods, **Senate Bill No. 809** was called up for third reading and final disposition.

SENATE BILL NO. 809
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE M. GRAY

A Bill for an Act to be Entitled: AN ACT TO ESTABLISH DUAL AUTHORITY AND RESPONSIBILITY OVER THE CHILD MALTREATMENT ACT FOR THE DEPARTMENT OF HUMAN SERVICES AND THE ARKANSAS DEPARTMENT OF STATE POLICE; AND FOR OTHER PURPOSES.

Senate Bill No. 809 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **Senate Bill No. 809**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

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. 809 was ordered immediately transmitted to the House.

On motion of Senator Hester, **Senate Bill No. 894** was called up for third reading and final disposition.

**SENATE BILL NO. 894
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR FILES**

A Bill for an Act to be Entitled: AN ACT TO PROMOTE PARTICIPATION IN INTERSCHOLASTIC SPORTS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 894 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **Senate Bill No. 894**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, J. Woods.

Total33

NEGATIVE: E. Williams.

Total1

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 894**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, J. Woods.

Total	33
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NEGATIVE: E. Williams.

Total	1
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ABSENT OR NOT VOTING:

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

EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
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Total number of votes cast	34
Necessary to the adoption of the emergency clause.....	24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 894 was ordered immediately transmitted to the House.

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

**SENATE BILL NO. 897
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY NOTICE PROCEDURES FOR THE SALE OF TAX DELINQUENT LANDS THAT ARE CLAIMED AS A HOMESTEAD; 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, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, Elliott, J. English, Files, Flippo, J. Hendren, Hester, J. Hutchinson, K. Ingram, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, J. Woods.

Total28

NEGATIVE: S. Flowers.

Total1

ABSENT OR NOT VOTING: Burnett, J. Dismang, Hickey, Irvin, E. Williams.

Total5

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Hester, **Senate Bill No. 898** was called up for third reading and final disposition.

**SENATE BILL NO. 898
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE REDEMPTION RIGHTS OF PERSONS WITH MENTAL DISABILITIES, MINORS, AND MEMBERS OF THE ARMED FORCES TO LAND SOLD FOR DELINQUENT TAXES; AND FOR OTHER PURPOSES.

Senate Bill No. 898 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **Senate Bill No. 898**. Motion carried.

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

AFFIRMATIVE: Bledsoe, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, Elliott, J. English, Files, Flippo, J. Hendren, Hester, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, G. Stubblefield, Teague, E. Williams, J. Woods.

Total28

NEGATIVE: S. Flowers.

Total1

ABSENT OR NOT VOTING: Burnett, Caldwell, J. Dismang, Hickey, D. Sanders.

Total5

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 898 was ordered immediately transmitted to the House.

On motion of Senator Hester, **Senate Bill No. 900** was called up for third reading and final disposition.

**SENATE BILL NO. 900
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. HESTER**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE MAINTENANCE OF TAX-DELINQUENT REAL PROPERTY; TO PROTECT THE COMMISSIONER OF STATE LANDS FROM LIABILITY FOR THE CONDITION OF THE PREMISES; AND FOR OTHER PURPOSES.

Senate Bill No. 900 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 900**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dismang

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 900 was ordered immediately transmitted to the House.

On motion of Senator Hester, **Senate Bill No. 906** was called up for third reading and final disposition.

**SENATE BILL NO. 906
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER**

A Bill for an Act to be Entitled: AN ACT TO PROTECT THE COMMISSIONER OF STATE LANDS FROM LIABILITY FOR ACTIONS TAKEN BY A CITY OR TOWN TO CORRECT, REMOVE, OR ABATE CERTAIN CONDITIONS CONCERNING TAX-DELINQUENT LAND; AND FOR OTHER PURPOSES.

Senate Bill No. 906 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 906**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Dismang.

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 906 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, **Senate Bill No. 907** was called up for third reading and final disposition.

**SENATE BILL NO. 907
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR B. HESTER**

A Bill for an Act to be Entitled: AN ACT TO REPEAL OBSOLETE LAWS CONCERNING THE REDEMPTION OF TAX-DELINQUENT LAND; AND FOR OTHER PURPOSES.

Senate Bill No. 907 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 907**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

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. 907 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, **Senate Bill No. 908** was called up for third reading and final disposition.

**SENATE BILL NO. 908
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE TENDER OF PAYMENT TO SET ASIDE THE SALE OF TAX-DELINQUENT LAND; AND FOR OTHER PURPOSES.

Senate Bill No. 908 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 908**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: J. Dismang

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 908 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, **Senate Bill No. 913** was called up for third reading and final disposition.

**SENATE BILL NO. 913
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR HESTER**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DEFINITION OF "EMPLOYMENT" UNDER THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

Senate Bill No. 913 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **Senate Bill No. 913**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING:	
Total	0
EXCUSED:	
Total	0

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. 913 was ordered immediately transmitted to the House as passed.

On motion of Senator Woods, **Senate Bill No. 966** was called up for third reading and final disposition.

**SENATE BILL NO. 966
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. WOODS
BY: REPRESENTATIVE RUSHING**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR CERTAIN VIOLATIONS OF AN ARKANSAS STATE GAME AND FISH COMMISSION REGULATION; AND FOR OTHER PURPOSES.

Senate Bill No. 966 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **Senate Bill No. 966**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Clark

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 966 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, **Senate Bill No. 998** was called up for third reading and final disposition.

**SENATE BILL NO. 998
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR J. HUTCHINSON**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE ENFORCEABILITY OF A COVENANT NOT TO COMPETE AGREEMENT; AND FOR OTHER PURPOSES.

Senate Bill No. 998 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **Senate Bill No. 998**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: A. Clark.

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 998 was ordered immediately transmitted to the House as passed.

On motion of Senator Hutchinson, **Senate Bill No. 999** was called up for third reading and final disposition.

SENATE BILL NO. 999
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR MALOCH
BY: REPRESENTATIVE BROADAWAY

A Bill for an Act to be Entitled: AN ACT TO CREATE AN EXEMPTION FROM THE FREEDOM OF INFORMATION ACT CONCERNING WORKING PAPERS RELATED TO AUDIT REPORTS FOR INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Senate Bill No. 999 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Maloch moved that the Body roll the vote on **Senate Bill No. 999**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total32

NEGATIVE:

Total0

ABSENT OR NOT VOTING: A. Clark, J. Dismang.

Total2

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast32

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. 999 was ordered immediately transmitted to the House as passed.

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

**SENATE BILL NO. 1038
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR D. JOHNSON**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT ACCREDITATION IN ARKANSAS IS DONE BY AN ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES.

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

Senator D. Johnson moved that the Body roll the vote on **Senate Bill No. 1038**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: A. Clark.

Total1

EXCUSED:

Total0

VOTING PRESENT:

Total	0
Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator D. Johnson, Senate Bill No. 124 was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE
 NINETIETH GENERAL ASSEMBLY
 REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 688, BY SENATOR RONALD CALDWELL,

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 Caldwell, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Caldwell, **Senate Bill No. 688** was called up for third reading and final disposition.

SENATE BILL NO. 688

As Engrossed: S3/12/15

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS CALDWELL, MALOCH, G. STUBBLEFIELD

BY: REPRESENTATIVES M. GRAY, VAUGHT, EUBANKS, BRAGG

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAWS REGARDING MAXIMUM ALLOWABLE COST LISTS; TO CREATE ACCOUNTABILITY IN THE ESTABLISHMENT OF PRESCRIPTION DRUG PRICING; AND FOR OTHER PURPOSES.

Senate Bill No. 688 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total32

NEGATIVE:

Total0
ABSENT OR NOT VOTING: A. Clark J. Dismang.
Total2
EXCUSED:
Total0
VOTING PRESENT:
Total0

Total number of votes cast32
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. 688 was ordered immediately transmitted to the House as passed.

On motion of Senator Chesterfield, **Senate Bill No. 394** was called up for third reading and final disposition.

SENATE BILL NO. 394
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: SENATOR L. CHESTERFIELD

A Bill for an Act to be Entitled: AN ACT TO EXPAND PUBLIC ACCESS TO AUTO-INJECTABLE EPINEPHRINE; TO EXPAND IMMUNITY TO INCLUDE AN AUTHORIZED ENTITY THAT PROVIDES PRESCRIBED AUTO-INJECTABLE EPINEPHRINE; AND FOR OTHER PURPOSES.

Senate Bill No. 394 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Chesterfield moved that the Body roll the vote on **Senate Bill No. 394**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 394 was ordered immediately transmitted to the House as passed.

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

**HOUSE BILL NO. 1136
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MAGIE**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PRESCRIPTIVE AUTHORITY OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS; TO EXTEND PRESCRIPTIVE AUTHORITY TO HYDROCODONE COMBINATION PRODUCTS IF EXPRESSLY AUTHORIZED BY A PHYSICIAN; AND FOR OTHER PURPOSES.

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

Senator Flowers moved that the Body roll the vote on **House Bill No. 1136**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Files, **House Bill No. 1356** was called up for third reading and final disposition.

**HOUSE BILL NO. 1356
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PITSCHE**

A Bill for an Act to be Entitled: AN ACT TO INCLUDE THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT WITHIN THE DEFINITION OF "CLAIMANT AGENCY" FOR THE PURPOSE OF OBTAINING A SETOFF AGAINST STATE TAX REFUNDS FOR DEBTS OWED TO THE STATE; AND FOR OTHER PURPOSES.

House Bill No. 1356 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **House Bill No. 1356**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

House Bill No. 1356 was ordered immediately returned to the House as pass

On motion of Senator Irvin, **House Bill No. 1378** was called up for third reading and final disposition.

HOUSE BILL NO. 1378
As Engrossed: H2/26/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BOYD
BY: SENATOR IRVIN

A Bill for an Act to be Entitled: AN ACT TO AMEND CERTAIN PROVISIONS RELATING TO CRIMINAL BACKGROUND CHECKS FOR LICENSURE UNDER THE ARKANSAS STATE BOARD OF PHARMACY; AND FOR OTHER PURPOSES.

House Bill No. 1378 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Irvin moved that the Body roll the vote on **House Bill No. 1378**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1378 was ordered immediately returned to the House as passed.

On motion of Senator Irvin, **House Bill No. 1386** was called up for third reading and final disposition.

HOUSE BILL NO. 1386
NINETIETH GENERAL ASSEMBLY
As Engrossed: H3/2/15 H3/3/15 H3/6/15
REGULAR SESSION
BY: REPRESENTATIVES BOYD, ET AL.
BY: SENATOR IRVIN

A Bill for an Act to be Entitled: AN ACT TO CREATE THE SUBSTANCE ABUSE REPORTING ACT; AND FOR OTHER PURPOSES.

House Bill No. 1386 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Irvin moved that the Body roll the vote on **House Bill No. 1386**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1386 was ordered immediately returned to the House as passed.

On motion of Senator Hester, **House Bill No. 1392** was called up for third reading and final disposition.

HOUSE BILL NO. 1392
AS ENGROSSED: H2/26/15 S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES HOUSE, BAINE, DAVIS
BY: SENATOR HESTER

A Bill for an Act to be Entitled: AN ACT TO CREATE A GOOD SAMARITAN LAW FOR ARCHITECTS AND ENGINEERS; TO AMEND THE LAW CONCERNING ARCHITECTS AND ENGINEERS; TO PROVIDE PROTECTION TO CERTAIN ARCHITECTS AND ENGINEERS; PROVIDING VOLUNTEER SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 1392 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **House Bill No. 1392**. Motion carried.

The Secretary called the roll, and the following members voted

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1392 was ordered immediately returned to the House as passed as amended.

On motion of Senator Hester, **House Bill No. 1436** was called up for third reading and final disposition.

HOUSE BILL NO. 1436
As Engrossed: H3/4/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE G. HODGES

A Bill for an Act to be Entitled: AN ACT TO AMEND THE DISTRIBUTION AND USE OF SEVERANCE TAXES; TO CREATE THE ROAD AND BRIDGE REPAIR, MAINTENANCE, AND GRANTS FUND; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1436 was placed on third reading and final disposition, the question being: Shall the Bill pass

Senator Hester moved that the Body roll the vote on **House Bill No. 1436**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

There being an emergency clause attached to **Senate Bill No. 1436**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING:

Total	0
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EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
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Total number of votes cast	34
Necessary to the adoption of the emergency clause.....	24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1436 was ordered immediately transmitted to the House as passed.

On motion of Senator Hester, **House Bill No. 1437** was called up for third reading and final disposition.

**HOUSE BILL NO. 1437
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE G. HODGES**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW APPLICABLE TO THE BUDGET STABILIZATION TRUST FUND; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1437 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hester moved that the Body roll the vote on **House Bill No. 1437**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: B. King

Total 1

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast	33
Necessary to the passage of the bill	18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 1437**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	33
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING: B. King

Total	1
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EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
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Total number of votes cast	33
Necessary to the adoption of the emergency clause.....	24

So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1437 was ordered immediately transmitted to the House as passed.

On motion of Senator D. Johnson, **House Bill No. 1449** was called up for third reading and final disposition.

**HOUSE BILL NO. 1449
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BROADAWAY**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING AN AFFIDAVIT TO COLLECT A SMALL ESTATE; AND FOR OTHER PURPOSES.

House Bill No. 1449 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator D. Johnson moved that the Body roll the vote on **House Bill No. 1449**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1449 was ordered immediately returned to the House as passed.

On motion of Senator Hutchinson, **House Bill No. 1467** was called up for third reading and final disposition.

**HOUSE BILL NO. 1467
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE WRIGHT**

A Bill for an Act to be Entitled: AN ACT TO DEFINE THE TERM "PENDING CHARGE" AS IT PERTAINS TO THE OFFENSE OF FAILURE TO APPEAR; AND FOR OTHER PURPOSES.

House Bill No. 1467 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Hutchinson moved that the Body roll the vote on **House Bill No. 1467**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING: D. Sanders
Total1
EXCUSED:
Total0
VOTING PRESENT:
Total0

Total number of votes cast33
Necessary to the adoption of the emergency clause.....24

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1467 was ordered immediately returned to the House as passed.

On motion of Senator Files, **House Bill No. 1455** was called up for third reading and final disposition.

HOUSE BILL NO. 1455
As Engrossed: S3/11/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BOYD
BY: SENATOR FILES

A Bill for an Act to be Entitled: AN ACT TO MODIFY THE MEMBERSHIP OF THE ARKANSAS APPRAISER LICENSING AND CERTIFICATION BOARD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

House Bill No. 1455 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Files moved that the Body roll the vote on **House Bill No. 1455**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

There being an emergency clause attached to **House Bill No. 1455**, 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, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total	34
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NEGATIVE:

Total	0
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ABSENT OR NOT VOTING:

Total	0
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EXCUSED:

Total	0
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VOTING PRESENT:

Total	0
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Total number of votes cast	34
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Necessary to the adoption of the emergency clause.....	24
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So the emergency clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1455 was ordered immediately transmitted to the House as passed as amended.

On motion of Senator Hendren, **House Bill No. 1489** was called up for third reading and final disposition.

HOUSE BILL NO. 1489
As Engrossed: H3/6/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES JEAN, ET AL.
BY: SENATORS J. HENDREN, HESTER, A. CLARK

A Bill for an Act to be Entitled: AN ACT TO AMEND LAWS RELEVANT TO UNEMPLOYMENT BENEFITS; TO AMEND THE MAXIMUM BENEFIT PERIOD AND WEEKLY BENEFIT AMOUNT UNDER THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

House Bill No. 1489 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Chesterfield spoke against the Bill.

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

AFFIRMATIVE: Bledsoe, Caldwell, A. Clark, Collins-Smith, J. Cooper, J. Dismang, J. English, Files, Flippo, J. Hendren, Hester, Hickey, Irvin, B. Johnson, B. King, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, E. Williams, J. Woods.

Total22

NEGATIVE: E. Cheatham, L. Chesterfield, S. Flowers, K. Ingram, D. Johnson, U. Lindsey, B. Pierce.

Total7

ABSENT OR NOT VOTING: Burnett, Elliott, J. Hutchinson, Maloch, Teague.

Total5

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast29

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1489 was ordered immediately returned to the House as passed.

On motion of Senator Flowers, **House Bill No. 1550** was called up for third reading and final disposition.

**HOUSE BILL NO. 1550
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MAGIE**

A Bill for an Act to be Entitled: AN ACT TO ENHANCE THE UTILIZATION OF THE IMMUNIZATION REGISTRY; AND FOR OTHER PURPOSES.

House Bill No. 1550 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, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, J. English, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, B. Pierce, Rapert, Rice, B. Sample, G. Stubblefield, Teague, E. Williams, J. Woods.

Total28

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Burnett, A. Clark, Elliott, Files, Maloch, D. Sanders.

Total6

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast28

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. 1550 was ordered immediately returned to the House as passed.

On motion of Senator Ingram, **House Bill No. 1573** was called up for third reading and final disposition.

**HOUSE BILL NO. 1573
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION**

BY: REPRESENTATIVES BENNETT, ET AL.

**BY: SENATORS K. INGRAM, J. HUTCHINSON, BURNETT, J. WOODS,
B. PIERCE**

A Bill for an Act to be Entitled: AN ACT CONCERNING THE COLLECTION OF A DNA SAMPLE FROM A PERSON ARRESTED FOR A FELONY OFFENSE; CONCERNING REMOVAL AND DESTRUCTION OF A DNA RECORD AND DNA SAMPLE; AND FOR OTHER PURPOSES.

House Bill No. 1573 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Ingram moved that the Body roll the vote on **House Bill No. 1573**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total33

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT: A. Clark

Total1

Total number of votes cast33

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1573 was ordered immediately returned to the House as passed.

On motion of Senator Clark, **House Bill No. 1581** was called up for third reading and final disposition.

**HOUSE BILL NO. 1581
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION**

BY: REPRESENTATIVES GILLAM, ET AL

BY: SENATORS A. CLARK, J. ENGLISH, J. HENDREN, U. LINDSEY

A Bill for an Act to be Entitled: AN ACT TO CREATE THE LEGISLATIVE TASK FORCE TO STUDY THE REALIGNMENT OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

House Bill No. 1581 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Clark moved that the Body roll the vote on **House Bill No. 1581**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

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

House Bill No. 1581 was ordered immediately returned to the House as passed.

On motion of Senator Woods, **House Bill No. 1591** was called up for third reading and final disposition.

HOUSE BILL NO. 1591
As Engrossed: H3/5/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BAINE
BY: SENATOR J. WOODS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY WHO MAY VIEW CONFIDENTIAL RECORDS; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

House Bill No. 1591 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **House Bill No. 1591**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1591 was ordered immediately returned to the House as passed.

On motion of Senator Woods, **House Bill No. 1603** was called up for third reading and final disposition.

**HOUSE BILL NO. 1603
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BROWN
BY: SENATOR J. WOODS**

A Bill for an Act to be Entitled: AN ACT TO PERMIT THE DEPARTMENT OF HUMAN SERVICES TO OBTAIN A COPY OF AN ACKNOWLEDGEMENT OF PATERNITY; TO ALLOW THE USE OF AN AFFIDAVIT OF PATERNITY IN A DEPENDENCY-NEGLECT CASE; AND FOR OTHER PURPOSES.

House Bill No. 1603 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Woods moved that the Body roll the vote on **House Bill No. 1603**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1603 was ordered immediately returned to the House as passed.

On motion of Senator Irvin, **House Bill No. 1572** was called up for third reading and final disposition.

**HOUSE BILL NO. 1572
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE BOYD**

A Bill for an Act to be Entitled: AN ACT TO INCLUDE THIRD-PARTY LOGISTICS PROVIDER AND OTHER FACILITIES IN THE PERMIT PROCESS OF THE ARKANSAS STATE BOARD OF PHARMACY; AND FOR OTHER PURPOSES.

House Bill No. 1572 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Irvin moved that the Body roll the vote on **House Bill No. 1572**.
Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast.....34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1572 was ordered immediately returned to the House as passed.

On motion of Senator D. Johnson, **House Bill No. 1635** was called up for third reading and final disposition.

**HOUSE BILL NO. 1635
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE JOHNSON
BY: SENATOR ELLIOTT**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAW CONCERNING CRIMINAL BACKGROUND CHECKS; AND FOR OTHER PURPOSES.

House Bill No. 1635 was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator D. Johnson moved that the Body roll the vote on **House Bill No. 1635**. Motion carried.

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

AFFIRMATIVE: Bledsoe, Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Elliott, J. English, Files, Flippo, S. Flowers, J. Hendren, Hester, Hickey, J. Hutchinson, K. Ingram, Irvin, B. Johnson, D. Johnson, B. King, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, B. Sample, D. Sanders, G. Stubblefield, Teague, E. Williams, J. Woods.

Total34

NEGATIVE:

Total0

ABSENT OR NOT VOTING:

Total0

EXCUSED:

Total0

VOTING PRESENT:

Total0

Total number of votes cast34

Necessary to the passage of the bill18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1635 was ordered immediately returned to the House as passed.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 133, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 145, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 154, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 172, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 226 BY SENATOR MISSY IRVIN,
SENATE BILL NO. 368 BY SENATOR JANE ENGLISH,
SENATE BILL NO. 371 BY SENATOR JANE ENGLISH,

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 D. Johnson, **House Bill No. 1569** was ordered re-referred to the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 509, BY SENATOR ALAN CLARK,
SENATE BILL NO. 600, BY SENATOR BLAKE JOHNSON,
SENATE BILL NO. 695, BY SENATOR STEPHANIE FLOWERS,
SENATE BILL NO. 751, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 775, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 848, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 880, BY SENATOR JASON RAPERT,
SENATE BILL NO. 912, BY SENATOR BART HESTER,
SENATE BILL NO. 925, 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

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

HOUSE BILL NO. 1133, BY REPRESENTATIVE BALTZ,
HOUSE BILL NO. 1406, BY REPRESENTATIVE BENTLEY,

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

Received from the House

HOUSE BILL NO. 1476
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE MAGIE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE VISUAL REQUIREMENTS FOR AN ARKANSAS DRIVER'S LICENSE; AND FOR OTHER PURPOSES.

House Bill No. 1476 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1613

As Engrossed: H3/9/15

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE HICKERSON

BY: SENATOR HICKEY

A Bill for an Act to be Entitled: AN ACT TO CREATE A DRIVER MONITORING PROGRAM TO BE ADMINISTERED BY THE OFFICE OF DRIVER SERVICES; TO AUTHORIZE THE OFFICE OF DRIVER SERVICES TO MONITOR CERTAIN DRIVER RECORDS AND FURNISH DRIVER MONITORING REPORTS; TO ESTABLISH APPROPRIATE FEES; AND FOR OTHER PURPOSES.

House Bill No. 1613 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1634

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE PITTSCH

A Bill for an Act to be Entitled: AN ACT CONCERNING PROCUREMENT PROCEDURES FOR A DESIGN-BUILD NEW CONSTRUCTION CONTRACT WITH THE STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 1634 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1644

As Engrossed: H3/6/15

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE RICHMOND

A Bill for an Act to be Entitled: AN ACT AUTHORIZING THE STATE HIGHWAY COMMISSION TO INCLUDE ROADS LEADING TO QUALIFYING AIRPORTS IN THE STATE HIGHWAY SYSTEM; TO REPEAL OBSOLETE LANGUAGE; AND FOR OTHER PURPOSES.

House Bill No. 1644 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1647

NINETIETH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE D. DOUGLAS

BY: SENATOR B. PIERCE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE LAWS REQUIRING ANY TEMPORARY TAG FEE IN EXCESS OF TWO DOLLARS AND FIFTY CENTS (\$2.50) TO BE RETAINED BY THE STATE; TO ESTABLISH A PENALTY FOR INAPPROPRIATE ISSUANCE OF TEMPORARY TAGS; AND FOR OTHER PURPOSES.

House Bill No. 1647 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1656
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE NICKS

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE REQUIREMENT TO PREPARE A SUPPLEMENTAL MOTORCYCLE TRAFFIC ACCIDENT REPORT FOR A TRAFFIC ACCIDENT INVOLVING A MOTORCYCLE OR OTHER SIMILAR MOTOR-DRIVEN CYCLE; AND FOR OTHER PURPOSES.

House Bill No. 1656 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1669
As Engrossed: H3/10/15
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVES WOMACK, ET AL.
BY: SENATOR HESTER

A Bill for an Act to be Entitled: AN ACT TO PROMOTE THE RIGHTS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION; TO PROTECT A CITIZEN'S RIGHT TO OBSERVE AND RECORD PUBLIC EVENTS; AND FOR OTHER PURPOSES.

House Bill No. 1669 was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1714
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION
BY: REPRESENTATIVE PITTSCH

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE PUBLICATION REQUIREMENT FOR RULES AND REGULATIONS PROMULGATED BY THE STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES.

House Bill No. 1714 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 164, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 205, BY SENATOR TERRY RICE,
SENATE BILL NO. 260, BY SENATOR JEREMY HUTCHINSON,
SENATE BILL NO. 263, BY SENATOR JON WOODS,
SENATE BILL NO. 311, BY SENATOR BART HESTER,
SENATE BILL NO. 313, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 321, BY SENATOR JON WOODS,
SENATE BILL NO. 322, BY SENATOR JON WOODS,
SENATE BILL NO. 323, BY SENATOR JON WOODS,
SENATE BILL NO. 324, BY SENATOR JON WOODS,
SENATE BILL NO. 326, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 327, BY SENATOR DAVID JOHNSON ,
SENATE BILL NO. 334, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 335, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 338, BY SENATOR JOHN COOPER,
SENATE BILL NO. 339, BY SENATOR JOHN COOPER,
SENATE BILL NO. 340, BY SENATOR JOHN COOPER,
SENATE BILL NO. 343, BY SENATOR JIM HENDREN,
SENATE BILL NO. 344, BY SENATOR JON COOPER,
SENATE BILL NO. 358, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 359, BY SENATOR JON COOPER,

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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 164
SENATE BILL NO. 205
SENATE BILL NO. 260
SENATE BILL NO. 263
SENATE BILL NO. 311
SENATE BILL NO. 313
SENATE BILL NO. 321
SENATE BILL NO. 322
SENATE BILL NO. 323
SENATE BILL NO. 324
SENATE BILL NO. 326
SENATE BILL NO. 327
SENATE BILL NO. 334
SENATE BILL NO. 335
SENATE BILL NO. 338
SENATE BILL NO. 339
SENATE BILL NO. 340
SENATE BILL NO. 343
SENATE BILL NO. 344
SENATE BILL NO. 358
SENATE BILL NO. 359

RECEIVED the above papers from the Secretary of the Senate this 12th day of March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 360, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 361, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 362, BY SENATOR DAVID JOHNSON,
SENATE BILL NO. 367, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 375, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 376, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 377, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 378, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 379, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 380, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 381, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 390, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 393, BY SENATOR JON WOODS,
SENATE BILL NO. 401, BY SENATOR JON WOODS,
SENATE BILL NO. 402, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 410, BY SENATOR JON WOODS ,
SENATE BILL NO. 411, BY SENATOR BOBBY J. PIERCE,
SENATE BILL NO. 417, BY SENATOR JIM HENDREN,
SENATE BILL NO. 418, BY SENATOR JIM HENDREN,
SENATE BILL NO. 419, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 420, BY SENATOR CECILE BLEDSOE,

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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 360
SENATE BILL NO. 361
SENATE BILL NO. 362
SENATE BILL NO. 367
SENATE BILL NO. 375
SENATE BILL NO. 376
SENATE BILL NO. 377
SENATE BILL NO. 378
SENATE BILL NO. 379
SENATE BILL NO. 380
SENATE BILL NO. 381
SENATE BILL NO. 390
SENATE BILL NO. 393
SENATE BILL NO. 401
SENATE BILL NO. 402
SENATE BILL NO. 410
SENATE BILL NO. 411
SENATE BILL NO. 417
SENATE BILL NO. 418
SENATE BILL NO. 419
SENATE BILL NO. 420

RECEIVED the above papers from the Secretary of the Senate this 12th day of
March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 421, BY SENATOR JIMMY HICKEY,
SENATE BILL NO. 422, BY SENATOR JIMMY HICKEY,
SENATE BILL NO. 423, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 425, BY SENATOR JON WOODS,
SENATE BILL NO. 427, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 428, BY SENATOR JIM HENDREN,
SENATE BILL NO. 429, BY SENATOR JIM HENDREN,
SENATE BILL NO. 430, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 431, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 432, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 433, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 434, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 435, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 436, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 437, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 438, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 439, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 440, BY SENATOR CECILE BLEDSOE
SENATE BILL NO. 441, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 442, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 445, BY SENATOR RONALD CALDWELL,

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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 421
SENATE BILL NO. 422
SENATE BILL NO. 423
SENATE BILL NO. 425
SENATE BILL NO. 427
SENATE BILL NO. 428
SENATE BILL NO. 429
SENATE BILL NO. 430
SENATE BILL NO. 431
SENATE BILL NO. 432
SENATE BILL NO. 433
SENATE BILL NO. 434
SENATE BILL NO. 435
SENATE BILL NO. 436
SENATE BILL NO. 437
SENATE BILL NO. 438
SENATE BILL NO. 439
SENATE BILL NO. 440
SENATE BILL NO. 441
SENATE BILL NO. 442
SENATE BILL NO. 445

RECEIVED the above papers from the Secretary of the Senate this 12th day of
March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 446, BY SENATOR JIMMY HICKEY,
SENATE BILL NO. 449, BY SENATOR CECILE BLEDSOE,
SENATE BILL NO. 453, BY SENATOR BOBBY PIERCE,
SENATE BILL NO. 456, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 460, BY SENATOR JIM HENDREN,
SENATE BILL NO. 461, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 463, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 471, BY SENATOR JON WOODS,
SENATE BILL NO. 477, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 478, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 479, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 483, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 491, BY SENATOR JOHN COOPER,
SENATE BILL NO. 493, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 513, BY SENATOR BRYAN KING,
SENATE BILL NO. 514, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 517, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 518, BY SENATOR GARY STUBBLEFIELD
SENATE BILL NO. 519, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 520, BY SENATOR GARY STUBBLEFIELD,

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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 446
SENATE BILL NO. 449
SENATE BILL NO. 453
SENATE BILL NO. 456
SENATE BILL NO. 460
SENATE BILL NO. 461
SENATE BILL NO. 463
SENATE BILL NO. 471
SENATE BILL NO. 477
SENATE BILL NO. 478
SENATE BILL NO. 479
SENATE BILL NO. 483
SENATE BILL NO. 491
SENATE BILL NO. 493
SENATE BILL NO. 513
SENATE BILL NO. 514
SENATE BILL NO. 517
SENATE BILL NO. 518
SENATE BILL NO. 519
SENATE BILL NO. 520

RECEIVED the above papers from the Secretary of the Senate this 12th day of
March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 521, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 522, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 524, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 525, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 526, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 537, BY SENATOR LARRY TEAGUE,
SENATE BILL NO. 538, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 539, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 544, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 545, BY SENATOR KEITH INGRAM,
SENATE BILL NO. 547, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 551, BY SENATOR GARY STUBBLEFIELD,
SENATE BILL NO. 552, BY SENATOR JIMMY HICKEY,
SENATE BILL NO. 553, BY SENATOR JANE ENGLISH,
SENATE BILL NO. 565, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 566, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 567, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 568, BY SENATOR MISSY IRVIN,
SENATE BILL NO. 571, BY SENATOR BOBBY PIERCE,
SENATE BILL NO. 572, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 577, BY SENATOR DAVID BURNETT,

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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 521,
SENATE BILL NO. 522,
SENATE BILL NO. 524,
SENATE BILL NO. 525,
SENATE BILL NO. 526,
SENATE BILL NO. 537,
SENATE BILL NO. 538,
SENATE BILL NO. 539,
SENATE BILL NO. 544,
SENATE BILL NO. 545,
SENATE BILL NO. 547,
SENATE BILL NO. 551,
SENATE BILL NO. 552,
SENATE BILL NO. 553,
SENATE BILL NO. 565,
SENATE BILL NO. 566,
SENATE BILL NO. 567,
SENATE BILL NO. 568,
SENATE BILL NO. 571,
SENATE BILL NO. 572,
SENATE BILL NO. 577,

RECEIVED the above papers from the Secretary of the Senate this 12th day of
March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

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

SENATE BILL NO. 584, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 585, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 586, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 587, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 601, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 602, BY SENATOR JOYCE ELLIOTT ,
SENATE BILL NO. 603, BY SENATOR JOYCE ELLIOTT ,
SENATE BILL NO. 605, BY SENATOR JOYCE ELLIOTT,
SENATE BILL NO. 606, BY SENATOR JOYCE ELLIOTT ,
SENATE BILL NO. 607, BY SENATOR JOYCE ELLIOTT
SENATE BILL NO. 627, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 628, BY SENATOR UVALDE LINDSEY,
SENATE BILL NO. 630, BY SENATOR RONALD CALDWELL,
SENATE BILL NO. 721, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 724, BY SENATOR DAVID BURNETT,
SENATE BILL NO. 730, BY SENATOR LARRY TEAGUE
SENATE BILL NO. 731, 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 11:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 584,
SENATE BILL NO. 585,
SENATE BILL NO. 586,
SENATE BILL NO. 587,
SENATE BILL NO. 601,
SENATE BILL NO. 602,
SENATE BILL NO. 603,
SENATE BILL NO. 605,
SENATE BILL NO. 606,
SENATE BILL NO. 607,
SENATE BILL NO. 627,
SENATE BILL NO. 628,
SENATE BILL NO. 630,
SENATE BILL NO. 721,
SENATE BILL NO. 724,
SENATE BILL NO. 730,
SENATE BILL NO. 731,

RECEIVED the above papers from the Secretary of the Senate this 12th day of
March, 2015 at 11:50 a.m.

(SIGNED) ASA HUTCHINSON
GOVERNOR

(SIGNED) KATHRYN LAWSON GRIFFIN
SECRETARY

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 835, 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.

Respectfully submitted,

(SIGNED) SENATOR JIM HENDREN, PRESIDER

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on CITY, COUNTY & LOCAL AFFAIRS, to whom was referred:

SENATE BILL NO. 305, BY SENATOR JOHN COOPER,
SENATE BILL NO. 757, BY SENATOR JIM HENDREN,
SENATE BILL NO. 814, BY SENATOR BOBBY PIERCE,

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 MISSY IRVIN, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 816, BY SENATOR BILL SAMPLE,
SENATE BILL NO. 841, BY SENATOR BILL SAMPLE,

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 EDDIE JOE WILLIAMS, CHAIRMAN

ARKANSAS SENATE
NINETIETH GENERAL ASSEMBLY
REGULAR SESSION

March 12, 2015

Mr. President:

We, your Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS,
to whom was referred:

SENATE BILL NO. 817, BY SENATOR EDDIE JOE WILLIAMS,

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 EDDIE JOE WILLIAMS, CHAIRMAN

Senate Bill No. 179 was returned from the House as passed and ordered enrolled.

Senate Bill No. 262 was returned from the House as passed and ordered enrolled.

Senate Bill No. 315 was returned from the House as passed and ordered enrolled.

Senate Bill No. 365 was returned from the House as passed and ordered enrolled.

Senate Bill No. 723 was returned from the House as passed and ordered enrolled.

SENATE BILLS TRANSMITTED TO THE HOUSE

AS PASSED

SENATE BILL NO. 46

SENATE BILL NO. 366

SENATE BILL NO. 394

SENATE BILL NO. 543

SENATE BILL NO. 646

SENATE BILL NO. 684

SENATE BILL NO. 688

SENATE BILL NO. 726

SENATE BILL NO. 746

SENATE BILL NO. 760

SENATE BILL NO. 773

SENATE BILL NO. 781

SENATE BILL NO. 786

SENATE BILL NO. 790

SENATE BILL NO. 791

SENATE BILL NO. 792

SENATE BILL NO. 803
SENATE BILL NO. 807
SENATE BILL NO. 809
SENATE BILL NO. 894
SENATE BILL NO. 897
SENATE BILL NO. 898
SENATE BILL NO. 900
SENATE BILL NO. 906
SENATE BILL NO. 907
SENATE BILL NO. 908
SENATE BILL NO. 913
SENATE BILL NO. 966
SENATE BILL NO. 998
SENATE BILL NO. 999
SENATE BILL NO. 1038

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED

HOUSE BILL NO. 1136
HOUSE BILL NO. 1356
HOUSE BILL NO. 1378
HOUSE BILL NO. 1386
HOUSE BILL NO. 1436
HOUSE BILL NO. 1437
HOUSE BILL NO. 1449
HOUSE BILL NO. 1467
HOUSE BILL NO. 1489
HOUSE BILL NO. 1550
HOUSE BILL NO. 1572
HOUSE BILL NO. 1573
HOUSE BILL NO. 1581
HOUSE BILL NO. 1591
HOUSE BILL NO. 1603
HOUSE BILL NO. 1635

HOUSE BILLS RETURNED TO THE HOUSE

AS PASSED AS AMENDED #1

HOUSE BILL NO. 1392

HOUSE BILL NO. 1455

SENATE BILLS RETURNED FROM THE HOUSE

AS PASSED

SENATE BILL NO. 179

SENATE BILL NO. 262

SENATE BILL NO. 315

SENATE BILL NO. 365

SENATE BILL NO. 723

HOUSE BILLS TRANSMITTED TO THE SENATE

AS PASSED

HOUSE BILL NO. 1097

HOUSE BILL NO. 1476

HOUSE BILL NO. 1517

HOUSE BILL NO. 1518

HOUSE BILL NO. 1613

HOUSE BILL NO. 1634

HOUSE BILL NO. 1644

HOUSE BILL NO. 1647

HOUSE BILL NO. 1656

HOUSE BILL NO. 1669

HOUSE BILL NO. 1714

HOUSE CONCURRENT RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1008

HOUSE CONCURRENT MEMORIAL RESOLUTION TRANSMITTED
TO THE SENATE AS ADOPTED

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1001

On motion of Senator Dismang, the Senate adjourned until 1:30 p.m., Monday,
March 16, 2015.

PRESIDENT OF THE SENATE

SECRETARY OF THE SENATE