

**SEVENTY-FIRST DAY'S PROCEEDINGS
HALL OF THE HOUSE OF REPRESENTATIVES**

Little Rock, Arkansas
March 23, 2009

The House was called to order at 1:30 p.m. by Mr. Wills, the Speaker. The following members answered to the roll call:

Abernathy, Adcock, Allen, Baird, Baker, Barnett, Betts, Blount, Bradford, Breedlove, Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, Cowling, Creekmore, Dale, Davenport, Davis, Dickinson, Dismang, Dunn, Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, Lewellen, Lindsey, Lovell, Lowery, Maloch, Malone, Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, Wilkins, Williams, Woods, Word, Mr. Speaker.

Total97

The following member(s) was absent and did not answer to the roll call: King, Sample, Slinkard.

Total3

A quorum was present.

Unanimous leave was granted for Representative(s) King, Sample, Slinkard.

The House stood and was led in prayer by House Chaplain Cornell Maltbia, Pastor, True Holiness Saint's Center, Conway, Arkansas.

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

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

COMMITTEE REPORT

	March 23, 2009
STATE AGENCIES	RICK SAUNDERS
AND GOVERNMENTAL AFFAIRS	CHAIRPERSON
SENATE BILL NO. 192	DO PASS
BY SENATOR FARIS	
SENATE BILL NO. 767	DO PASS
BY SENATOR FARIS	

COMMITTEE REPORT

	March 23, 2009
JOINT COMMITTEE ON PUBLIC RETIREMENT	GEORGE OVERBEY
AND SOCIAL SECURITY PROGRAMS	CHAIRPERSON
HOUSE BILL NO. 1167	DO PASS
BY REPRESENTATIVE COOPER	
HOUSE BILL NO. 1173	DO PASS
BY REPRESENTATIVE L. SMITH	
SENATE BILL NO. 138	DO PASS
BY SENATOR FARIS	
SENATE BILL NO. 165	DO PASS
BY SENATOR G. JEFFRESS	
SENATE BILL NO. 243	DO PASS
BY SENATOR FARIS	

Upon motion of Representative Lovell, **HOUSE BILL NO. 2147** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2147

Amend **HOUSE BILL NO. 2147** as originally introduced:

Page 1, delete all the language after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 26, Chapter 27, Subchapter 3 is amended to add an additional section to read as follows:

26-27-322. Change in market value — Board procedure.

(a) The purpose of this section is to:

(1) Set out the procedure for a county equalization board to follow when changing real property values in a year when a county is not completing reappraisal; and

(2) Require the county equalization board to consult with the Assessment Coordination Department to utilize data compiled under the department's sales ratio study.

(b) If in the judgment of the county equalization board or the county judge based upon current economic conditions a number of real estate parcels in a county may have decreased in market value since the last countywide reappraisal, then the county equalization board may by its motion or the county judge may petition for the county equalization board to enter into a special session to determine what action is needed under this section to address the decrease in market value.

(c) The county equalization board shall not take action as proposed in the special session under subsection (b) of this section until the county equalization board has:

(1) Consulted the county assessor on the proposed action in the special session;

(2) Consulted the department on the proposed action in the special session; and

(3) Analyzed the current real estate market in the county.

(d) The board may employ a professional appraisal manager to analyze the current real estate market in the county to fulfill its obligation under subdivision (c)(2) of this section.

(e) If the board determines in the special session that action is needed under this section, the board shall adjust market values of real estate in the county under the methodology established by the rules of the department.

(f) The Assessment Coordination Department shall promulgate rules to:

(1) Set out the procedure for a county equalization board to make a determination whether action is needed under this section; and

(2) Establish the methodology to be used when adjusting the market values of real property.

(g) If the county equalization board fails to follow the methodology to adjust real estate values as set out in the Assessment Coordination Department's rules, the county equalization board shall be subject to withholding of funds from the Arkansas Real Property Reappraisal Fund under § 26-26-1907.

(h) A special session convened under this section is subject to the procedures for a special session of the county equalization board under § 26-27-312.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that several counties in the state are considering changing real estate values during a year the counties are not scheduled to complete reappraisal; that county equalization boards are empowered to make such changes; that county equalization boards have no guidance in the law on when to take action or the type of action that is appropriate under these circumstances. Without proper guidance, county equalization boards face the risk of unintentionally putting the county in noncompliance. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/ Buddy Lovell

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Betts, **HOUSE BILL NO. 1858** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 1858

Amend **HOUSE BILL NO. 1858** as engrossed,

H3/19/09 (version: 03-19-2009 10:21):

Page 5, line 20, delete "Department of Health" and substitute "Office of Alcohol and Drug Abuse Prevention"

AND

Page 19, delete lines 29 and 30 and substitute the following:

"(k) All penalties collected under this section shall be deposited into the State Treasury."

/s/ Monty Betts

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative King, **HOUSE BILL NO. 2040** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2040

Amend **HOUSE BILL NO. 2040** as originally introduced:

Delete the title in its entirety and substitute the following:

"AN ACT TO CLARIFY ELIGIBILITY FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute the following:

"TO CLARIFY ELIGIBILITY FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE PROGRAM."

AND

Delete SECTION 1, SECTION 3, SECTION 4, and SECTION 5 of the bill

AND

Page 2, delete line 29, and substitute the following:

"exposed to flooding and flood damage, including areas in a municipal territorial jurisdiction under § 14-56-413."

AND

Appropriately renumber the remaining section of the bill

/s/ Bryan King

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Nix, **HOUSE BILL NO. 1921** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1921

Amend **HOUSE BILL NO. 1921** as originally introduced:

Page 1, delete lines 20 and 21 and substitute:

"SECTION 1. Arkansas Code § 6-17-1702 is amended to read as follows:

6-17-1702. Definitions.

As used in this subchapter:

(1) "Employee" shall mean any person employed by a school district under a written annual contract, who is not required to have a teaching ~~certificate~~ license issued by the Department of Education as a condition of employment;

(2) "Full-time employee" means any employee who is contracted to work at least twenty (20) hours per week; ~~and~~

(3) "Nonprobationary employee" means an employee who has completed three (3) successive years of employment in any one (1) school district in this state. However, when a nonprobationary employee begins employment at a new school district, the employing school district by a majority vote of its board of directors may provide for one (1) additional year of probationary status for that particular employee, the same being the employee's first year of employment with that district; and

~~(3)~~(4) "Probationary employee" means an employee who:

(A) has ~~Has~~ not completed ~~one (1) year of employment in the school district in which he is employed. Provided that at least thirty (30) days prior to~~

~~the completion of an employee's probationary period, the superintendent of schools may recommend and the board of directors may vote that one (1) additional year of probation is necessary for an employee~~ three (3) successive years of employment in any one (1) school district in this state; or

(B) Having completed three (3) successive years of employment in any one (1) school district in this state, begins employment at a new school district and the employing school district, by a majority vote of its board of directors, provides for one (1) additional year of probationary status for that employee, the same being the employee's first year of employment with that district.

SECTION 2. Arkansas Code § 6-17-1703 is amended to read as follows:"

AND

Page 1, line 25, delete "nonprobationary" and substitute "~~nonprobationary~~"

AND

Page 1, line 31, delete "nonprobationary" entirely

AND

Page 2, delete lines 5 through 8 and substitute:

"subchapter shall include a statement of the reasons for the proposed termination or nonrenewal grounds for the recommendation, setting forth the grounds in separately numbered paragraphs so a reasonable employee can prepare a defense."

AND

Page 2, line 13, delete "nonprobationary" and substitute "~~nonprobationary~~"

AND

Page 2, delete lines 31 through 34 and substitute:

"(1) ~~include a~~ Include a statement of reasons for the suspension ~~the grounds~~ for the recommendation, setting forth the grounds in separately numbered paragraphs so a reasonable employee can prepare a defense;"

AND

Page 4, delete lines 30 and 31 and substitute:

"(1) If there is a reduction in force that cannot be accomplished through attrition and requires a layoff;"

AND

Page 6, line 2, delete "all provisions" and substitute "the provisions"

AND

Appropriately renumber the sections of the bill

/s/ Barbara Nix

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Lea, **HOUSE BILL NO. 2266** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2266

Amend **HOUSE BILL NO. 2266** as engrossed,

H3/12/09 (version: 03-12-2009 09:41):

Page 1, delete line 21 and substitute the following:

"SECTION 1. Arkansas Code § 7-10-103(c)(1)(E), concerning the determination of qualified electors for the purposes of nonpartisan elections, is amended to read as follows:

(E) In determining the number of qualified electors in the state or in any court of appeals district, ~~or circuit court circuit,~~ or district judge district, the total number of all votes cast therein for Governor in the immediately preceding general gubernatorial election shall be conclusive of the number of all qualified electors therein for purposes of this section.

SECTION 2. Arkansas Code § 7-10-103(c)(2)(D), concerning filing by"

AND

Page 1, line 25, delete "three percent (3%)" and substitute "one percent (1%)"

/s/ Andrea Lea

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

/s/ Ms. Jo Renshaw

Chief Clerk

***** EXPUNGED*****03/24/09*****

Upon motion of Representative Pyle, HOUSE BILL NO. 1951 was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1951

Amend HOUSE BILL NO. 1951 as engrossed,
H3/20/09 (version: 03-20-2009 09:28):

Delete Section 2 in its entirety and substitute the following:

"Arkansas Code 17-86-201(a), concerning the Arkansas State Board of Massage Therapy, is amended to read as follows:

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

(2)(A) ~~Four (4)~~ Six (6) of the members shall be licensees under this chapter. These members shall be full voting members.

(B) Only two (2) of the members shall be owners of a massage therapy school.

~~(3) One (1) member, to represent senior citizens, shall be sixty (60) years of age or older and shall not be engaged in or retired from the practice of massage therapy. This member shall be a full voting member.~~

~~(4) 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.~~

~~(5) One (1) member, to represent the medical field, shall not be engaged in or retired from the practice of massage therapy. This member shall be a full voting member and shall be a person exempted from the provisions of this law under § 17-86-301(b)(1).~~

~~(6)(A)(4)(A) Board members who are sitting in the board positions described in this subsection on August 1, 1997, will remain as members of the board until the term of that member's appointment expires or until that member is removed from the board or until that member resigns from the board or dies before the term of his or her appointment expires. A board member shall begin his or her appointed term on July 1, 2009.~~

(B) Board members appointed to their positions after August 1, 1997, 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, two (2) members have a two-year term, and two (2) members have a one-year term.

(ii) A person who has previously served on the board shall not be eligible for an initial appointment.

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

/s/ Beverly Pyle

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

/s/ Ms. Jo Renshaw
Chief Clerk

***** EXPUNGED *****03/24/09*****

Upon motion of Representative Breedlove, **HOUSE BILL NO. 1852** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 3 TO HOUSE BILL NO. 1852

Amend **HOUSE BILL NO. 1852** as engrossed,

H3/12/09 (version: 03-12-2009 09:47):

Add as a cosponsor to the bill: Representative Dunn

/s/ Steve Breedlove

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Webb, **HOUSE BILL NO. 2008** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2008

Amend **HOUSE BILL NO. 2008** as originally introduced:

Page 1, line 10 of the Title, delete "METHANE"

AND

Delete the subtitle in its entirety and substitute:

"THE LANDFILL GAS RECOVERY INCOME TAX CREDIT ACT OF 2009."

AND

Delete all the language after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 26, Chapter 51, is amended to add an additional subchapter to read as follows:

SUBCHAPTER 22 — LANDFILL GAS RECOVERY INCOME TAX CREDIT ACT OF 2009

26-51-2201. Title.

This subchapter shall be known and may be cited as the "Landfill Gas Recovery Income Tax Credit of 2009".

26-51-2202. Intent.

The intent of this subchapter is to:

(1) Increase the use of landfill gas to be used as an alternative energy source in the state;

(2) Reduce the contribution to global warming from the uncontrolled release of landfill gas; and

(3) Encourage the recapture and reuse of landfill gas through the allowance of a state income tax credit.

26-51-2203. Definitions.

As used in this section:

(1) "Cost" means:

(A) For a purchase involving a transfer of title or a finance lease, the amount of the purchase price; and

(B) For a lease that is not a finance lease but that is a purchase, the amount of the lease payments due to be paid during the term of the lease after deducting any portion of the lease payments attributable to interest, insurance, and taxes;

(2) "Equipment" means any device used directly to collect, clean, compress, transport, and use landfill gas as an alternative energy source other than such devices that are otherwise required by state or federal law or regulation;

(3) "Finance lease" means a lease agreement that is treated by a lessee as a purchase for income tax purposes under the Income Tax Act of 1929, 26-51-101 et seq.:

(4) "Landfill gas" means the gases generated by the decomposition of waste in a landfill:

(5) "Maintenance" means expenditures after damage or after deterioration of equipment that is used to keep the equipment operating for its original purpose:

(6) "Purchase" means a:

(A) Transaction under which title to an item is transferred for consideration; or

(B) Lease contract for a period of at least three (3) years, whether or not the title to the item is transferred at the end of the period; and

(7) "Repair" means expenditures used to restore existing equipment to its original or similar condition and use.

26-51-2204. Landfill gas recovery tax credit.

(a) There is allowed an income tax credit against the income tax imposed by the Income Tax Act of 1929, § 26-51-101 et seq., equal to thirty percent (30%) of the cost of equipment used to collect, clean, compress, transport, and use landfill gas as an alternative energy source for commercial purposes, including without limitation:

(1) Designing the landfill methane gas collection system or equipment;

(2) Installing equipment;

(3) Collecting the landfill gas;

(4) Cleaning the equipment;

(5) Compressing the landfill gas;

(6) Transporting the landfill gas; and

(7) Using the landfill gas.

(b) To claim the income tax credit under this subchapter, a taxpayer shall obtain a certification from an Arkansas-registered professional engineer that:

(1) The taxpayer is engaged in the business of collecting, cleaning, compressing, transporting, or using landfill gas as an alternative energy source for commercial purposes, whether or not for profit;

(2) The equipment purchased and claimed for the income tax credit under this subchapter is used to collect, clean, compress, transport, and use landfill gas as an alternative energy source;

(3) The equipment purchased and claimed for income tax credit is not otherwise mandated for the operation of the landfill under applicable state or federal law or regulations; and

(4) The landfill where the equipment is installed is properly permitted under the laws and regulations of the state.

(c) An income tax credit under this subchapter shall not include the cost of:

(1) A feasibility study for collecting, cleaning, compressing, transporting, and using landfill gas as an alternative energy source;

(2) Equipment that is used to service the waste reduction, reuse, or recycling equipment;

(3) Replacement parts that keep existing equipment in its ordinary efficient operating condition;

(4) Replacement of existing equipment unless the replacement provides greater capacity for collecting, cleaning, compressing, transporting, and using landfill gas;

(5) Service contracts;

(6) Sales or use tax; and

(7) Maintenance and repair.

26-51-2205. Taxpayer refund of credit.

(a) A taxpayer shall refund the amount of the income tax credit under this subchapter if:

(1) Within three (3) years of the taxable year for which the income tax credit under this subchapter is allowed the taxpayer ceases to use the equipment or to operate the equipment; or

(2) The equipment claimed for the income tax credit under this subchapter is:

(A) Removed from the state;

(B) Intentionally disposed of or destroyed; or

(C) Transferred to another person.

(b) A taxpayer who is required to refund the income tax credit under this subchapter shall refund the amount of the income tax credit that was deducted from income tax liability which exceeds the following amounts:

(1) Within the first year, zero dollars (\$0);

(2) Within the second year, thirty-three percent (33%) of the amount of income tax credit allowed; and

(3) Within the third year, sixty-seven percent (67%) of the income tax credit allowed.

(c) A refund required under this section only applies to an income tax credit under this subchapter given for a particular piece of equipment for collecting, cleaning, compressing, transporting, and using landfill gas as an alternative energy source.

(d) A taxpayer who is required to refund all or part of an income tax credit under this section is not eligible to carry forward any amount of the income tax credit under this subchapter which had not been used as of the date the refund is required.

26-51-2206. Limit on income tax credit — Apportionment.

(a) A taxpayer engaged in the business of collecting, cleaning, compressing, transporting, and using landfill gas as an alternative energy source is eligible for only one (1) income tax credit under this subchapter.

(b) The sale or transfer of equipment used to collect, clean, compress, transport, and use landfill gas as an alternative energy source does not recreate the eligibility for an income tax credit under this subchapter.

(c) The amount of the income tax credit under this subchapter that may be used by a taxpayer for a taxable year may not exceed the amount of state, individual, or corporate income tax otherwise due.

(d) A taxpayer who receives an income tax credit under this subchapter is not allowed to claim any other state or local tax credit or deduction based on the equipment used for the income tax credit under this subchapter, except for the deduction for normal depreciation.

(e) An unused income tax credit under this subchapter may be carried forward for a maximum of three (3) consecutive years following the taxable year in which the income tax credit under this subchapter originated.

(f) For a proprietorship or partnership, the amount of the income tax credit under this subchapter for any taxable year shall be apportioned to each proprietor or partner in proportion to the amount of income from the proprietorship or partnership which the proprietor or partner is required to include as gross income.

(g) For a Subchapter S corporation, the amount of an income tax credit under this subchapter, for any taxable year shall be apportioned among the persons who are shareholders of the Subchapter S corporation on the last day of the taxable year based on each person's percentage of ownership.

(h) For an estate or trust:

(1) The amount of an income tax credit under this subchapter for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each beneficiary; and

(2) A beneficiary to whom any amount of the income tax credit under this subchapter has been apportioned under this subsection is allowed, subject to limitations contained in this section, an income tax credit under this subchapter for the amount apportioned.

SECTION 2. Effective Date. Section 1 of this act is effective for tax years beginning on or after January 1, 2009."

/s/ Kathy Webb

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

/s/ Ms. Jo Renshaw

Chief Clerk

Upon motion of Representative Adcock, **HOUSE BILL NO. 2224** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 2224

Amend **HOUSE BILL NO. 2224** as originally introduced:

Page 1, line 11, delete "MOBILE;" and substitute "MOBILE; TO CLARIFY CERTAIN EXEMPTIONS FOR PERMITS AND INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS;"

AND

Delete all language after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 20-57-201 is amended to read as follows:

20-57-201. Definitions.

As used in §§ 20-57-202 — 20-57-205, unless the context otherwise requires:

(1)(A) "Food service establishment" means any place where food is prepared, processed, stored, or intended for use or consumption by the public regardless of whether there is a charge for the food. The term includes wholesale and retail food stores, convenience stores, food markets, delicatessens, restaurants, food processing or manufacturing plants, bottling and canning plants, wholesale and retail block and prepackaged ice manufacturing plants, food caterers, and food warehouses. The term does not include supply vehicles or locations of vending machines.

(B) The following are also exempt:

(i) Group homes routinely serving ten (10) or fewer persons;

(ii) Day-care centers routinely serving ten (10) or fewer persons;

(iii) Potluck suppers, community picnics, or other group gatherings where food is served but not sold; and

(iv) ~~Nonprofit organizations that sell food, on a temporary basis for fund-raising events~~ An establishment that offers only prepackaged foods that are not potentially hazardous as defined by the State Board of Health; and

(v) Ice vending machines or kiosks where ice is dispensed in the open air and are totally self-contained; and

(2) "Food service industry" means the aggregate of food service establishments.

SECTION 2. Arkansas Code § 20-57-204 is amended to read as follows:

20-57-204. Permit required.

(a) No food service establishment shall be allowed to operate unless it has procured a food establishment permit from the Division of Environmental Health Protection of the Department of Health.

(b)(1) Permits issued under §§ 20-57-201 — 20-57-205 ~~shall be nontransferable~~ are not transferable, shall be renewed annually, and shall expire one (1) year after issuance or at a time specified by the Department of Health.

(2) A late fee equal to one-half (½) of the renewal fee for any type of establishment shall be charged to renew a permit sixty (60) days after the expiration date.

(c) Any food service establishment may obtain a food service permit by paying an annual permit fee of thirty-five dollars (\$35.00) to the department and by meeting the minimum requirements established by the applicable rules ~~and regulations~~.

(d)(1) Each distinctively separate food establishment type and class as defined in §§ 20-57-201 — 20-57-205 shall be required to procure a permit for that type or class per each location not to exceed a total of one hundred five dollars (\$105.00).

(2) On and after ~~July 1, 2009~~, July 1, 2013, the fee provisions as set forth in this subsection shall be null and void, and any food service establishment may obtain a food service permit by meeting the minimum requirements established by the applicable rules ~~and regulations~~.

(e)(1) A temporary food establishment permit shall be procured from the Division of Environmental Health Protection by any temporary facility operating at a fixed location for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

(2) A fee of five dollars (\$5.00) shall be charged per day for each temporary food establishment permit.

(f) Public school cafeterias shall be exempt from payment of the permit fee but shall submit to inspection pursuant to the rules and regulations of the State Board of Health.

(g) Nonprofit organizations that sell food on a temporary basis for fund-raising events shall be exempt from payment of the permit fee but shall submit to inspection pursuant to the rules of the State Board of Health.

~~(g)(h)~~ The following shall not be required to obtain permits, pay fees, or submit to inspections by the department but may seek the advice and assistance of the department:

~~(1) Potluck potluck~~ suppers, community picnics, or other group gatherings where food is served but not sold; and

~~(2) Nonprofit organizations that sell food on a temporary basis for fund-raising events.~~

~~(h)(i)~~ Any retail food store having gross sales of less than one hundred fifty thousand dollars (\$150,000) must obtain a food service permit but shall be exempt from payment of the permit fee.

~~(i)(j)~~ Any bottler of water that is not a resident of this state shall obtain a permit from the Division of Sanitarian Services of the Department of Health in order to sell its bottled water within this state. The bottler shall submit to the department annually a bacteriological analysis conducted by a laboratory approved by the department, a certificate of operation from the bottler's resident state, and a permit fee of fifty dollars (\$50.00)."

/s/ Pam Adcock

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Davenport, **HOUSE BILL NO. 2045** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 2 TO HOUSE BILL NO. 2045

Amend **HOUSE BILL NO. 2045** as engrossed,

H3/13/09 (version: 03-13-2009 12:42):

Page 1, delete line 31 and substitute:

"street, or highway right-of-way to:

(i) A point of storage or repair of the towing company;

(ii) The nearest transportation terminal of the owner or

operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle."

AND

Page 2, delete line 3 and substitute:

"combination of vehicles.

(4) This subsection applies to all streets, roads, and highways in the state subject to limitation on the national highway system if determined by the Federal Highway Administrator under 23 C.F.R. § 657.21 to conflict with weight limitations established under 23 U.S.C. § 127."

AND

Page 2, delete line 20 and substitute:

of-way to:

(i) A point of storage or repair of the towing company;

(ii) The nearest transportation terminal of the owner or

operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle.

(2) In respect to night transportation, every vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps ~~upon~~ on the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) The exceptions to length limitations under this subsection (d) apply to all streets, roads, and highways in the state subject to limitation on the national highway system if determined by the Federal Highway Administrator under 23 C.F.R. § 657.21 to conflict with weight limitations established under 23 U.S.C. § 127."

/s/ Monty Davenport

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

/s/ Ms. Jo Renshaw
Chief Clerk

Upon motion of Representative Allen, **HOUSE BILL NO. 1796** was placed back on second reading for the purpose of amendment.

AMENDMENT NO. 1 TO HOUSE BILL NO. 1796

Amend **HOUSE BILL NO. 1796** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 15, Chapter 10 is amended to add an additional subchapter to read as follows:

15-10-801. Arkansas Alternative Energy Commission.

(a) There is created the Arkansas Alternative Energy Commission.

(b) The commission shall consist of fifteen (15) diverse members appointed as follows:

(1) Five (5) members appointed by the Governor as follows:

(A) Two (2) members to represent utility companies that are concerned with alternative energy development; and

(B) Three (3) members who are consumers concerned with alternative energy development;

(2) Five (5) members appointed by the Speaker of the House of Representatives as follows:

(A) Two (2) members to represent utility companies that are concerned with alternative energy development; and

(B) Three (3) members who are consumers concerned with alternative energy development; and

(3) Five (5) members appointed by the President Pro Tempore of the Senate as follows:

(A) Two (2) members to represent utility companies that are concerned with alternative energy development; and

(B) Three (3) members who are consumers concerned with alternative energy development.

(c)(1) The Governor shall appoint a chair for the commission.

(2) The chair shall call the first meeting of the commission within sixty (60) days after the effective date of this act.

(d)(1) A majority of the membership of the commission shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the commission.

(e) The commission shall meet at least one (1) time every three (3) months, but may meet more often at the call of the chair.

(f) A vacancy arising in the membership of the commission for any reason other than expiration of the regular terms for which the members were appointed shall be filled by appointment by the person or persons who appointed the vacating member.

(g)(1) The Bureau of Legislative Research shall provide staff for the commission.

(2) The commission shall conduct its meetings in Pulaski County at the State Capitol or at other locations that the commission considers appropriate.

15-10-802. Duties.

The Arkansas Alternative Energy Commission shall study:

(1) The feasibility of creating or expanding alternative energy sources in Arkansas, including without limitation:

(A) Bioenergy;

(B) Ethanol;

(C) Solar power

(D) Energy derived from animal waste;

(E) Wind power; and

(F) Other energy sources identified by the commission;

(2) The effects of the use of alternative energy sources on the economic development of the state; and

(3) Other issues related to alternative energy production and use and the economic impact of alternative energy that the commission considers appropriate."

/s/ Fred Allen

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

/s/ Ms. Jo Renshaw
Chief Clerk

HOUSE CONCURRENT MEMORIAL RESOLUTION NO.1002

BY: REPRESENTATIVE L. SMITH

CELEBRATING THE LIFE AND CONTRIBUTIONS, AND MOURNING THE PASSING OF, JOHN MILES LEWIS.

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

The House gave Representative L. Cowling unanimous leave to withdraw **HOUSE BILL NO. 1437.**

The House gave Representative Williams unanimous leave to withdraw **HOUSE BILL NO. 2131.**

The House gave Representative Williams unanimous leave to withdraw **HOUSE BILL NO. 1181.** Recommended Committee Study by JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS.

The House gave Representative J. Burris unanimous leave to withdraw
HOUSE BILL NO. 1179.

The House gave Representative J. Burris unanimous leave to withdraw
HOUSE JOINT RESOLUTION NO. 1010.

ENGROSSED BILL REPORTS

WILHELMINA LEWELLEN, CHAIRPERSON

March 23, 2009

The following bill(s) reported correctly engrossed:

- HOUSE BILL NO. 1796 BY REPRESENTATIVE ALLEN
- HOUSE BILL NO. 1852 - TITLE - BY REPRESENTATIVE BREEDLOVE
- HOUSE BILL NO. 1858 BY REPRESENTATIVE BETTS
- HOUSE BILL NO. 1894 - TITLE - BY REPRESENTATIVE BLOUNT
- HOUSE BILL NO. 1921 BY REPRESENTATIVE NIX
- HOUSE BILL NO. 2008 - TITLE - BY REPRESENTATIVE WEBB
- HOUSE BILL NO. 2040 - TITLE - BY REPRESENTATIVE KING
- HOUSE BILL NO. 2045 BY REPRESENTATIVE DAVENPORT
- HOUSE BILL NO. 2103 - TITLE - BY REPRESENTATIVE L. SMITH
- HOUSE BILL NO. 2147 BY REPRESENTATIVE LOVELL
- HOUSE BILL NO. 2224 - TITLE - BY REPRESENTATIVE ADCOCK
- HOUSE BILL NO. 2266 BY REPRESENTATIVE LEA

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1852

BY: REPRESENTATIVES BREEDLOVE, HAWKINS, ALLEN, BETTS, T. BRADFORD, J. BROWN, M. BURRIS, CHEATHAM, COLE, COOK, COOPER, L. COWLING, DALE, DAVIS, ENGLISH, GEORGE, GLIDEWELL, R. GREEN, HALL, HARRELSON, HOUSE, HOYT, KERR, LOVELL, OVERBEY, PENNARTZ, PERRY, PIERCE, POWERS, RAGLAND, RAINEY, REYNOLDS, RICE, SAMPLE, SAUNDERS, G. SMITH, STEWART, SUMMERS, TYLER, WEBB, WELLS, B. WILKINS, WORD, CARROLL, CASH, DAVENPORT, GASKILL, LINDSEY, MCCRARY, MCLEAN, NIX, PATTERSON, J. ROEBUCK, WAGNER, WOODS, ADCOCK, DUNN

BY: SENATOR BROADWAY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH AN ACADEMIC FACILITIES REVIEW BOARD; TO PROVIDE PUBLIC SCHOOL DISTRICTS WITH AN ADDITIONAL OPPORTUNITY FOR A HEARING ON THE DETERMINATION REGARDING STATE FINANCIAL PARTICIPATION FOR ACADEMIC FACILITIES PROJECTS; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 1894

BY: REPRESENTATIVES BLOUNT, ALLEN, T. BAKER, DAVIS, HOYT, INGRAM, W. LEWELLEN, RAINEY, SAUNDERS, SHELBY, WORD

BY: SENATORS STEELE, CRUMBLY, ELLIOTT, H. WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTION TO EXPAND THE SKILLS TRAINING PROGRAM AND EDUCATIONAL OPPORTUNITIES FOR INMATES IN THE DEPARTMENT OF CORRECTION; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2008

BY: REPRESENTATIVE WEBB

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENCOURAGE AND PROMOTE THE RECOVERY AND REUSE OF LANDFILL GAS AS AN ALTERNATIVE ENERGY SOURCE BY ALLOWING AN INCOME TAX CREDIT; AND FOR OTHER PURPOSES.

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2040

BY: REPRESENTATIVE KING

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO CLARIFY ELIGIBILITY FOR INCLUSION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2103

BY: REPRESENTATIVE L. SMITH

A BILL FOR AN ACT TO BE ENTITLED *AN ACT TO ENCOURAGE CITIZENS TO FILE LAWSUITS SEEKING RECOVERY OF MONEYS FRAUDULENTLY RECEIVED FROM THE STATE; TO INCREASE THE STATE'S PORTION OF FUNDS RECOVERED IN MEDICAID FRAUD LAWSUITS; AND FOR OTHER PURPOSES.*

HOUSE BILL ENGROSSED AS TITLE AMENDED
HOUSE BILL NO. 2224

BY: REPRESENTATIVE ADCOCK

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH TO PERMIT AND INSPECT CONCESSION STANDS, BOTH STATIONARY AND *MOBILE*; *TO CLARIFY CERTAIN EXEMPTIONS FOR PERMITS AND INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS*; TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC; AND FOR OTHER PURPOSES.

HOUSE CONCURRENT RESOLUTION NO.1021

BY: REPRESENTATIVE W. LEWELLEN

TO RECOGNIZE AND COMMEND ALPHA KAPPA ALPHA SORORITY, INC. FOR ONE HUNDRED ONE (101) YEARS OF SERVICE TO AFRICAN-AMERICAN COLLEGE WOMEN AND THE COMMUNITY.

THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

HOUSE MEMORIAL RESOLUTION NO.1006

BY: REPRESENTATIVE POWERS

IN RESPECTFUL MEMORY OF SSG CARLO MONTELL ROBINSON.
THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

HOUSE MEMORIAL RESOLUTION NO.1005

BY: REPRESENTATIVE POWERS

IN RESPECTFUL MEMORY OF MR. TILMON ROSS.
THE RESOLUTION WAS READ AND ADOPTED UNANIMOUSLY.

Morning Hour Expired.

Representative Ingram moved to reconsider the adoption of the Emergency Clause to **HOUSE BILL NO. 1942**. Motion carried.

HOUSE BILL NO. 1942

BY: REPRESENTATIVE INGRAM

There being an Emergency Clause attached to **HOUSE BILL NO. 1942**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Cook, Cooper, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Everett, Garner, Gaskill, George, R. Green, Hall, Hardy, Harrelson, Hawkins, House, Hoyt, Hyde, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, Maxwell, McCrary, McLean, Moore, Nix, Patterson, Pennartz, Perry, Powers, Ragland, Rainey, Reep, Reynolds, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Word, Mr. Speaker.

Total72

NEGATIVE: Clemmer, Cole, Dismang, English, Flowers, Glidewell, Hobbs, Hopper, D. Hutchinson, Kerr, Lea, S. Malone, M. Martin, Nickels.

Total14

ABSENT OR NOT VOTING: Baird, J. Burris, L. Cowling, D. Creekmore, Greenberg, King, Overbey, Pierce, Pyle, Rice, Sample, Slinkard, Webb, Woods.

Total14

VOTING PRESENT:

Total0

Total number of votes cast86

Total number voting in the affirmative72

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

So the Emergency Clause was adopted.

The Chair requested the House pass over **HOUSE BILL NO. 1860** and leave it on the Calendar. Motion carried.

Representative Kerr moved that the House pass over **HOUSE BILL NO. 1895** and leave it on the Calendar. Motion carried.

HOUSE BILL NO. 1703

BY: REPRESENTATIVE SHELBY

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	96
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: Garner, King, Sample, Slinkard.	
Total	4
VOTING PRESENT:	
Total	0
Total number of votes cast	96
Total number voting in the affirmative.....	96
Necessary to the passage of the bill.....	51

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

HOUSE BILL NO. 2002

BY: REPRESENTATIVE MAXWELL

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

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Hall, Hardy, Harrelson, Hawkins, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total93

NEGATIVE: Greenberg.

Total1

ABSENT OR NOT VOTING: Baird, Carnine, Hobbs, King, Sample, Slinkard.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **HOUSE BILL NO. 2002**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Hall, Hardy, Harrelson, Hawkins, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total93

NEGATIVE: Greenberg.

Total1

ABSENT OR NOT VOTING: Baird, Carnine, Hobbs, King, Sample, Slinkard.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative93

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

So the Emergency Clause was adopted.

HOUSE BILL NO. 1920

BY: REPRESENTATIVE MALOCH

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

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, M. Burris, Carnine, Carroll, Cheatham, Cole, Cook, Cooper, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, Glidewell, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, Maxwell, McCrary, McLean, Moore, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total81

NEGATIVE: Baird, Clemmer, Dismang, R. Green, Hopper, Kerr, S. Malone, M. Martin.

Total8

ABSENT OR NOT VOTING: J. Burris, Carter, Cash, L. Cowling, D. Creekmore, George, King, Nickels, Sample, Slinkard, Webb.

Total11

VOTING PRESENT:

Total0

Total number of votes cast89

Total number voting in the affirmative81

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

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

HOUSE BILL NO. 2145

BY: REPRESENTATIVE RAGLAND

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Davis, King, Nickels, Sample, Slinkard, Webb.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

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

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

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

HOUSE BILL NO. 1485

BY: REPRESENTATIVE SAUNDERS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, L. Cowling, D. Creekmore, Dale, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Flowers, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total82

NEGATIVE: J. Burris, Cooper, Davenport, Everett, Glidewell, Hobbs, Hopper, Kerr, M. Martin.

Total9

ABSENT OR NOT VOTING: T. Bradford, Cook, King, Maloch, S. Malone, Sample, Slinkard, Webb.

Total8

VOTING PRESENT: Ragland.

Total1

Total number of votes cast92

Total number voting in the affirmative82

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

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

Representative Reynolds moved that the House pass over HOUSE BILL NO. 2070 and leave it on the Calendar. Motion carried.

HOUSE BILL NO. 1647

BY: REPRESENTATIVE WOODS

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

AFFIRMATIVE: Abernathy, Adcock, Allen, T. Baker, Barnett, Betts, Blount, J. Burris, M. Burris, Carnine, Carroll, Carter, Cole, Cook, Davis, J. Dickinson, Dunn, English, Everett, Garner, Gaskill, R. Green, Greenberg, Hardy, Harrelson, Hawkins, Hobbs, House, Hoyt, Hyde, Ingram, W. Lewellen, Lovell, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Patterson, Pennartz, Perry, Powers, Pyle, Rainey, Reep, Reynolds, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, L. Smith, Stewart, Tyler, Wagner, Wells, Williams, Woods, Word, Mr. Speaker.

Total61

NEGATIVE: T. Bradford, Breedlove, J. Brown, Clemmer, Cooper, L. Cowling, Dale, Flowers, Glidewell, Hall, Hopper, D. Hutchinson, Kerr, Kidd, Lea, Lindsey, Lowery, S. Malone, Pierce, Rice, G. Smith, Summers, B. Wilkins.

Total23

ABSENT OR NOT VOTING: Baird, Cash, D. Creekmore, Davenport, J. Edwards, George, King, Maloch, M. Martin, Overbey, Ragland, Sample, Slinkard, Webb.

Total14

VOTING PRESENT: Cheatham, Dismang.

Total2

Total number of votes cast86

Total number voting in the affirmative.....61

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

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

Upon motion of Representative Woods the Clincher motion prevailed.

Representative Blount moved that the record by which **AMENDMENT #2 to HOUSE BILL NO. 1894** passed be expunged from the record, which motion prevailed by more than 67 votes.

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Davenport, Davis, J. Dickinson, Dismang, Dunn, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total93

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Dale, J. Edwards, D. Hutchinson, King, Reynolds, Sample, Slinkard.

Total7

VOTING PRESENT:

Total0

Total number of votes cast.....93

Total number voting in the affirmative93

Necessary to the adoption of the motion.....67

So the Motion was adopted.

Upon motion of Representative Blount, **HOUSE BILL NO. 1894** was placed back on second reading for the purpose of amendment .

AMENDMENT NO. 3 TO HOUSE BILL NO. 1894

Amend **HOUSE BILL NO. 1894** as engrossed,

H3/19/09 (version: 03-19-2009 12:21):

Remove Representative Williams as a co-sponsor to the bill

/s/ Nancy Blount

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

/s/ Ms. Jo Renshaw

Chief Clerk

Representative L. Smith moved that the record by which **AMENDMENT #1 to HOUSE BILL #2103** passed be expunged from the record, which motion prevailed by more than 67 votes.

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: T. Bradford, R. Green, D. Hutchinson, King, Sample, Slinkard.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the adoption of the motion.....67

So the Motion was adopted.

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

AMENDMENT NO. 2 TO HOUSE BILL NO. 2103

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

Page 1, delete line 9 of the title and substitute the following:

"AN ACT TO ENCOURAGE CITIZENS TO FILE LAWSUITS SEEKING RECOVERY OF"

AND

Page 1, delete lines 17 through 22 of the subtitle and substitute the following:

"TO ENCOURAGE CITIZENS TO FILE LAWSUITS SEEKING RECOVERY OF MONEYS FRAUDULENTLY RECEIVED FROM THE STATE AND TO INCREASE THE STATE'S PORTION OF FUNDS RECOVERED IN MEDICAID FRAUD LAWSUITS."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-77-901 and 20-77-902 are amended to read as follows:

20-77-901. Definitions.

As used in this subchapter:

(1) "Arkansas Medicaid program" means the program authorized under Title XIX of the federal Social Security Act, which provides for payments for medical goods or services on behalf of indigent families with dependent children and of aged, blind, or disabled individuals whose income and resources are insufficient to meet the cost of necessary medical services;

(2) "Claim" includes any request or demand, including any and all documents or information required by federal or state law or by rule, made against medical assistance programs funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. A claim may be made through electronic means if authorized by the Department of Human Services. Each claim may be treated as a separate claim, or several claims may be combined to form one claim;

(3) "Fiscal agent" means any individual, firm, corporation, professional association, partnership, organization, or other legal entity which, through a contractual relationship with the Department of Human Services, the State of Arkansas receives, processes, and pays claims under the program;

(4)(A) "Knowing" or "knowingly" means that the person has actual

knowledge of the information or acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

(B) "Knowing" or "knowingly" does not require proof of specific intent to defraud;

(5) "Medicaid recipient" means any individual on whose behalf any person claimed or received any payment or payments from the program or its fiscal agents, whether or not the individual was eligible for benefits under the program;

(6) "Person" means any provider of goods or services or any employee of the provider, whether that provider be an individual, individual medical vendor, firm, corporation, professional association, partnership, organization, or other legal entity under the program but which provides goods or services to a provider under the program or its fiscal agents; and

(7) "Records" means all documents in any form, including, but not limited to, medical documents and X rays, prepared by any person for the purported provision of any goods or services to any Medicaid recipient.

20-77-902. Liability for certain acts.

A person shall be liable to the State of Arkansas, through the Attorney General, for a civil penalty and restitution if he or she:

(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under the Arkansas Medicaid program;

(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to a benefit or payment;

(3) Having knowledge of the occurrence of any event affecting his or her initial or continued right to any benefit or payment or the initial or continued right to any benefit or payment of any other individual in whose behalf he or she has applied for or is receiving a benefit or payment knowingly conceals or fails to disclose that event with an intent fraudulently to secure the benefit or payment either in a greater amount or quantity than is due or when no benefit or payment is authorized;

(4) Having made application to receive any benefit or payment for the use and benefit of another and having received it, knowingly converts the benefit or payment or any part thereof to a use other than for the use and benefit of the other person;

(5) Knowingly presents or causes to be presented a claim for a physician's service for which payment may be made under the program and knows that the individual who furnished the service was not licensed as a physician;

(6) Knowingly solicits or receives any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind:

(A) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the program; or

(B) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under the program;

(7)(A) Knowingly offers or pays any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person to induce the person:

(i) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the program; or

(ii) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under the program.

(B) Subdivision (7)(A) of this section shall not apply to:

(i) A discount or other reduction in price obtained by a provider of services or other entity under the program if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under the program;

(ii) Any amount paid by an employer to an employee who has a bona fide employment relationship with the employer for employment in the providing of covered items or services; or

(iii) Any amount paid by a vendor of goods or services to a person authorized to act as a purchasing agent for a group of individuals or entities who are furnishing services reimbursed under the program, if:

(a) The person has a written contract with each individual or entity which specifies the amount to be paid the person, which amount may be a fixed amount or a fixed percentage of the value of the purchases made by each individual or entity under the contract; and

(b) In the case of an entity that is a provider of services as defined in § 20-9-101, the person discloses, in the form and manner as the Director of the Department of Human Services requires, to the entity and upon request to the director the amount received from each vendor with respect to purchases made by or on behalf of the entity; and

(iv) Any payment practice specified by the director

promulgated pursuant to applicable federal or state law;

(8) Knowingly makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact:

(A) With respect to the conditions or operation of any institution, facility, or entity in order that the institution, facility, or entity may qualify either upon initial certification or upon recertification as a hospital, rural primary care hospital, skilled nursing facility, nursing facility, intermediate care facility for the mentally retarded, home health agency, or other entity for which certification is required; or

(B) With respect to information required pursuant to applicable federal and state law, rules, regulations, and provider agreements;

(9) Knowingly:

(A) Charges for any service provided to a patient under the program money or other consideration at a rate in excess of the rates established by the state; or

(B) Charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under the program, any gift, money, donation, or other consideration other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient as a precondition of admitting a patient to a hospital, nursing facility, or intermediate care facility for the mentally retarded or as a requirement for the patient's continued stay in the facility when the cost of the services provided therein to the patient is paid for in whole or in part under the program;

(10) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for benefits or for payment in violation of the rules, regulations, and provider agreements issued by the program or its fiscal agents; or

(11) Knowingly:

(A) Participates, directly or indirectly, in the Arkansas Medicaid Program after having pleaded guilty or nolo contendere to or been found guilty of a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code, §§ 5-1-101 et seq.; or

(B) As a certified health provider enrolled in the Arkansas Medicaid Program pursuant to Title XIX of the Social Security Act or the fiscal agent of such a provider who employs, engages as an independent contractor, engages as a consultant, or otherwise permits the participation in the business activities of such a provider, any person who has pleaded guilty or nolo contendere to or has been found guilty of a charge of Medicaid fraud, theft of public benefits, or abuse of adults as defined in the Arkansas Criminal Code, § 5-1-101 et seq.;

(12) Knowingly enters into an agreement, combination, or conspiracy to defraud the Arkansas Medicaid program by obtaining or aiding another person in obtaining an unauthorized payment or benefit from the Medicaid program or a fiscal agent or getting an otherwise false or fraudulent claim allowed or paid;

(13) Has possession, custody, or control of property or money used or to be used by the Arkansas Medicaid program and, intending to defraud the Arkansas Medicaid program or willfully to conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate of receipt;

(14) Being authorized to make or deliver a document certifying receipt of property used or to be used, by the State of Arkansas and knowingly intending to defraud the State of Arkansas, knowingly makes or delivers the receipt;

(15) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer, employee, or designee of the State of Arkansas, who lawfully may not sell or pledge the property; or

(16) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Arkansas Medicaid program.

SECTION 2. Arkansas Code § 20-77-903(a)(1), concerning civil penalties under the Medicaid Fraud False Claims Act, is amended to read as follows:

(a)(1) It shall be unlawful for any person to commit any act proscribed by § 20-77-902, and any person found to have committed any such act or acts shall be deemed liable to the State of Arkansas, through the Attorney General, for full restitution and for a civil penalty of not less than ~~five thousand dollars (\$5,000)~~ five thousand five hundred dollars (\$5,500) and not more than ~~ten thousand dollars (\$10,000)~~ eleven thousand dollars (\$11,000) for each violation, plus three (3) times the amount of all payments judicially found to have been fraudulently received from the Arkansas Medicaid program or its fiscal agents because of the act of that person, except that if the court finds the following:

(A) The person committing the violation of this subchapter furnished officials of the Attorney General's office with all information known to the person about the violation within thirty (30) days after the date on which the defendant first obtained the information; and

(B) The person fully cooperated with any Attorney General's investigation of the violation, and at the time the person furnished the Attorney General with the information about the violation:

(i) No criminal prosecution, civil action, or administrative action had commenced under this subchapter with respect to the violation; and

(ii) The person did not have actual knowledge of the existence of an investigation into the violation.

SECTION 3. Arkansas Code § 20-77-904 is amended to read as follows:

20-77-904. Investigation by and Responsibilities of Attorney General — Alternate remedies of qui tam plaintiff.

(a) If the Attorney General has reasonable cause to believe that a person has information or is in possession, custody, or control of any document or other tangible object relevant to an investigation or that would lead to the discovery of relevant information in an investigation for violation of this subchapter, the Attorney General may serve upon the person, before bringing any action in the circuit court, a written demand to appear and be examined under oath, to answer written interrogatories under oath, and to produce the document or object for inspection and copying. The demand shall:

- (1) Be served upon the person in the manner required for service of process in the State of Arkansas or by certified mail with return receipt requested;
- (2) Describe the nature of the conduct constituting the violation under investigation;
- (3) Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified;
- (4) Contain a copy of the written interrogatories;
- (5) Prescribe a reasonable time at which the person must appear to testify, a time within which to answer the written interrogatories, and a time within which the document or object must be produced;
- (6) Advise the person that objections to or reasons for not complying with the demand may be filed with the Attorney General on or before that time;
- (7) Specify a place for the taking of testimony or for production and designate a person who shall be custodian of the document or object; and
- (8) Contain a copy of subsections (b) and (d) of this section.

(b)(1) If a person objects to or otherwise fails to comply with the written demand served upon him or her under subsection (a) of this section, the Attorney General may file an action in the circuit court for an order to enforce the demand.

(2) Venue for the action to enforce the demand shall be in Pulaski County.

(3) Notice of a hearing on the action to enforce the demand and a copy of the action shall be served upon the person in the same manner as that prescribed in the Arkansas Rules of Civil Procedure.

(4) If the court finds that the demand is proper, that there is reasonable cause to believe there may have been a violation of this subchapter, and

that the information sought or document or object demanded is relevant to the violation, it shall order the person to comply with the demand, subject to modifications the court may prescribe.

(c) If the person fails to comply with the order, the court may issue any of the following orders until the person complies with the order:

(1) Adjudging the person in contempt of court;

(2) Granting injunctive relief against the person to whom the demand is issued to restrain the conduct which is the subject of the investigation; or

(3) Granting other relief as the court may deem proper.

(d) The court may award to the Attorney General costs and reasonable attorney's fees as determined by the court against the person failing to obey the order.

(e) Upon motion by the person and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

(f)(1)(A) A person may bring a civil action for a violation of § 20-77-901 et seq. for the person and for the state.

(B) The person bringing the action shall be referred to as the qui tam plaintiff.

(C) The action shall be brought in the name of the State of Arkansas.

(D) The action may be dismissed only if the court and the Attorney General give:

(i) Written consent to the dismissal; and

(ii) The court's and the Attorney General's reasons for consenting to the dismissal.

(2)(A)(i) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney General.

(ii) The complaint shall:

(a) Be filed in camera;

(b) Remain under seal for at least sixty (60) days;

and

(c) Not be served on the defendant until the court so orders.

(B) The Attorney General may elect to intervene and proceed with the action within sixty (60) days after receiving both the complaint and the material evidence and information.

(3)(A) For good cause shown, the Attorney General may move the court for extensions of the time during which the complaint remains under seal under subdivision (f)(2) of this section.

(B) A motion under subdivision (f)(3)(A) of this section may be supported by affidavits or other submissions in camera.

(C) The defendant shall not be required to respond to any complaint filed under this section until twenty (20) days after the complaint is unsealed and served upon the defendant.

(4) Before the expiration of the sixty-day period or any extensions obtained under subdivision (f)(3) of this section, the Attorney General shall:

(A) Proceed with the action, in which case the action shall be conducted by the state; or

(B) Notify the court that it declines to take over the action, in which case the person bringing the action may conduct the action.

(5) If a person brings an action under this subsection (f), a person other than the Attorney General may not intervene or bring a related action based on the facts underlying the pending action.

(g)(1)(A) If the Attorney General proceeds with the action, the Attorney General:

(i) Has the primary responsibility for prosecuting the action; and

(ii) Is not be bound by an act of the person bringing the action.

(B) A person bringing the action may continue as a party to the action, except as under subdivision (g)(2) of this section.

(2)(A) If the Attorney General proceeds with the action, the Attorney General may dismiss the action notwithstanding the objections of the person initiating the action, if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(B)(i) The Attorney General may settle the action with the defendant notwithstanding the objections of the person initiating the action, if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances.

(ii) Upon a showing of good cause, a hearing under subdivision (g)(2)(B)(i) of this section may be held in camera.

(C) Upon a showing by the Attorney General that unrestricted participation during the course of the litigation by the person initiating the action

would interfere with or unduly delay the state's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may impose limitations on the person's participation, including without limitation:

(i) Limiting the number of witnesses the person may call;

(ii) Limiting the length of the testimony of witnesses the person calls;

(iii) Limiting the person's cross-examination of witnesses;

or

(iv) Otherwise limiting the participation by the person in the litigation.

(D) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3)(A) If the Attorney General elects not to proceed with the action, the person who initiated the action may conduct the action.

(B) If the state so requests, the state shall be:

(i) Served with copies of all pleadings filed in the action;
and

(ii) Supplied with copies of all deposition transcripts, at the state's expense.

(C) When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the state to intervene at a later date upon a showing of good cause.

(4)(A) Whether or not the Attorney General proceeds with the action, upon a showing by the state that certain actions of discovery by the person initiating the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay discovery by the person initiating the action for not more than sixty (60) days.

(B) A showing of interference under subdivision (g)(4)(A) of this section shall be conducted in camera.

(C) The court may extend the sixty-day period upon a further showing in camera that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5)(A) Notwithstanding subsection (b) of this section, the state may elect to pursue its claim through any alternate remedy available to the state,

including without limitation any administrative proceeding to determine a civil monetary penalty.

(B) If an alternate remedy under subdivision (g)(5)(A) of this section is pursued in another proceeding, the person initiating the action shall have the same rights in the proceedings as the person would have had if the action had continued under this section.

(C) A finding of fact or a conclusion of law made in an alternative remedy proceeding that has become final is conclusive on all parties to an action under this section.

(D) For purposes of this subdivision (g)(5), a finding or conclusion is final if:

(i)(a) The finding or conclusion has been finally determined on appeal to the appropriate court of jurisdiction; and

(b) All time for filing an appeal under this subdivision (g)(5) with respect to the finding or conclusion has expired; or

(ii) The finding or conclusion is not subject to judicial review.

SECTION 4. Arkansas Code § 20-77-908 is amended to read as follows:

20-77-908. False claims jurisdiction - Procedure.

~~(a) Any action under this subchapter may be brought in the circuit court of the county where the defendant, or in the case of multiple defendants, any one (1) defendant resides.~~

~~(b) A civil action under this section may not be brought more than five (5) years after the date on which the violation of this subchapter is committed.~~

~~(c) In any action brought pursuant to this subchapter, the State of Arkansas shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.~~

~~(d) A subpoena requiring the production of documents or the attendance of a witness at an interview, trial, or hearing conducted under this section may be served by the Attorney General or any duly authorized law enforcement officer in the State of Arkansas personally, telephonically, or by registered or certified mail. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.~~

(a) A subpoena requiring the attendance of a witness at a trial or hearing conducted under § 20-77-901 et. seq. may be served at any place in the United States.

(b) A civil action under § 20-77-901, et. seq. may not be brought:

(1) More than six (6) years after the date on which the violation of §

20-77-902 is committed; or

(2) More than three (3) years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, but in no event more than ten (10) years after the date on which the violation is committed, whichever occurs last.

(c) In an action brought under § 20-77-901 et. seq., the state shall prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(d) Notwithstanding any other provision of law, or rule of law or evidence, a final judgment rendered in favor of the state in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall stop the defendant from denying the essential elements of the offense in any action that involves the same transaction as in the criminal proceeding and that is brought under § 5-55-101 et. seq., or § 20-77-901 et. seq.

SECTION 5. Arkansas Code § 20-77-911 is amended to read as follows:

20-77-911. Reward for the detection and punishment of Medicaid fraud.

~~(a) The court is authorized to pay a person sums, not exceeding ten percent (10%) of the aggregate penalty recovered, or in any case not more than one hundred thousand dollars (\$100,000), as it may deem just, for information the person may have provided which led to the detecting and bringing to trial and punishment persons guilty of violating the Medicaid fraud laws.~~

~~(b) Upon disposition of any civil action relating to violations of this subchapter in which a penalty is recovered, the Attorney General may petition the court on behalf of a person who may have provided information which led to the detecting and bringing to trial and punishment persons guilty of Medicaid fraud to reward the person in an amount commensurate with the quality of information determined by the court to have been provided, in accordance with the requirements of this subchapter.~~

~~(c)(1) If the Attorney General elects not to petition the court on behalf of the person, the person may petition the court on his or her own behalf.~~

~~(2) Neither the state nor any defendant within the action shall be liable for expenses which a person incurs in bringing an action under this section.~~

~~(d) Employees or fiscal agents charged with the duty of referring or investigating cases of Medicaid fraud who are employed by or who contract with any governmental entity shall not be eligible to receive a reward under this section.~~

(a)(1) Subject to subdivision (a)(2) of this section, if the state proceeds with an action brought by a person under § 20-77-904(f), the person shall receive at least

fifteen percent (15%) but not more than twenty-five percent (25%) of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2)(A) Where the action is one that the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing, report, audit, investigation, or from the news media, the court may award to the person bringing the action a sum the court considers appropriate.

(B) In making an award under subdivision (a)(2)(A) of this section the court shall take into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.

(3)(A) A payment to a person under subsections (a) or (b) of this section, or both shall be made from the proceeds recovered and collected in the action or in settlement of the claim.

(B)(i) A person who receives a payment under subsection (a) or (b) of this sections, or both also shall receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs.

(ii) All expenses, fees, and costs paid under subdivision (a)(3)(B)(i) of this section shall be awarded against the defendant.

(b)(1) If the Attorney General does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages.

(2) The amount paid under subdivision (b)(1) of this section shall not be less than twenty-five percent (25%) and not more than thirty percent (30%) of the proceeds of the action or settlement and shall be paid out of the proceeds of the action or settlement.

(3)(A) A person who receives payment under this subsection (b) shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney's fees and costs.

(B) All expenses, fees, and costs paid under subdivision (b)(3)(A) of this section shall be awarded against the defendant.

(c)(A) Whether or not the Attorney General proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of § 20-77-902 upon which the action was brought, the court may reduce, to the extent the court considers appropriate, or eliminate the share of the proceeds of the action that the person would otherwise receive under subdivision (a) or (b) of this

section, or both, taking into account the role of the person in advancing the case to litigation and any relevant circumstances pertaining to the violation.

(B)(i) If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of § 20-77-902, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action.

(ii) A dismissal under subdivision (c)(B)(i) of this section does not prejudice the right of the state to continue the action.

(d) If the state does not proceed with the action and the person bringing the action conducts the action, the court shall award to the defendant reasonable attorney's fees and expenses if:

(1) The defendant prevails in the action; and

(2) The court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(e)(1) A person shall not bring an action under this subchapter that is based upon allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the state is already a party.

(2)(A) A court shall not have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, audit, investigation, or from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

(B) For purpose of this subdivision (e)(2), "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and who has voluntarily provided the information to the state before filing an action under this section that is based on the information.

(f) The state is not liable for expenses that a person incurs in bringing an action under this section.

SECTION 6. Arkansas Code Title 20, chapter 77, Subchapter 9 is amended to add additional sections to read as follows:

20-77-912. Money recovered by the state — False claims prosecution fund.

(a) Money recovered by the state as a result of actions brought by the Attorney General or a person under this subchapter shall be credited as special revenues of the State of Arkansas and deposited into the Arkansas Medicaid Program Trust Fund for the sole use of the Arkansas Medicaid Program.

(b) Costs and attorney's fees awarded to a relator by final judicial order in an action under this subchapter shall be paid directly by the defendant to the relator.

(c) No liability shall be incurred by the state, the affected agency, or the

Attorney General for any expenses, attorney's fees, or other costs incurred by a person in bringing or defending an action under this subchapter.

20-77-913. Retaliation by employer against person bringing suit prohibited.

(a) A person who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms of employment by the person's employer because of a lawful act taken by the person in furtherance of an action under this subchapter, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this subchapter, is entitled to:

(1) Reinstatement with the same seniority status the person would have had but for the discrimination; and

(2) Not less than two (2) times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including without limitation litigation costs and reasonable attorney's fees.

(b) A person may bring an action in the appropriate district court for the relief provided under this section.

20-77-914. Rules — Attorney General.

The Attorney General may adopt rules that, in the attorney general's judgment, are necessary and appropriate to the effective administration of this subchapter.

20-77-915. Retroactivity.

(a) The Medicaid Fraud False Claims Act, codified in § 20-77-901, et. seq., shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of this act.

(b) This act applies to claims filed or presented before, on, or after the effective date of this act.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Medicaid Fraud Act is in immediate need of this revision to clarify an ambiguity in the law; and that the provisions of this act are essential to successful operations and activities of the Medicaid Fraud Control Unit of the Attorney General's Office and the Department of Human Services. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

/s/ Lindsley Smith

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

/s/ Ms. Jo Renshaw
Chief Clerk

SENATE BILL NO. 26

BY: SENATOR T. SMITH

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: King, Rice, J. Rogers, Sample, Slinkard, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative94

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 26**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word.

Total94

NEGATIVE:

Total0

ABSENT OR NOT VOTING: King, Rice, J. Rogers, Sample, Slinkard, Mr. Speaker.

Total6

VOTING PRESENT:

Total0

Total number of votes cast94

Total number voting in the affirmative94

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

So the Emergency Clause was adopted.

Representative Tyler moved that the House pass over **SENATE BILL NO. 441** and leave it on the Calendar. Motion carried.

SENATE BILL NO. 379

BY: SENATOR STEELE

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total	95
NEGATIVE:	
Total	0
ABSENT OR NOT VOTING: King, Nickels, Sample, Slinkard, Summers.	
Total	5
VOTING PRESENT:	
Total	0
Total number of votes cast.....	95
Total number voting in the affirmative	95
Necessary to the passage of the bill	51

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

The Chair requested the House pass over **SENATE BILL NO. 780** and leave it on the Calendar. Motion carried.

SENATE BILL NO. 143

BY: SENATOR BROADWAY

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total96

NEGATIVE:

Total0

ABSENT OR NOT VOTING: Flowers, King, Sample, Slinkard.

Total4

VOTING PRESENT:

Total0

Total number of votes cast96

Total number voting in the affirmative96

Necessary to the passage of the bill51

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

SENATE BILL NO. 447

BY: SENATOR D. JOHNSON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total93

NEGATIVE: L. Smith.

Total1

ABSENT OR NOT VOTING: Flowers, Glidewell, King, Sample, Slinkard, Webb.

Total6

VOTING PRESENT:

Total0

Total number of votes cast.....94

Total number voting in the affirmative93

Necessary to the passage of the bill51

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

SENATE BILL NO. 663

BY: SENATOR HORN

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

AFFIRMATIVE: Abernathy, Allen, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Cash, Cheatham, Cole, Cook, Cooper, L. Cowling, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Everett, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, House, Hyde, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, Maxwell, McCrary, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, G. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total73

NEGATIVE: Adcock, Baird, T. Bradford, Carter, English, Glidewell, Hobbs, Hopper, Hoyt, D. Hutchinson, Kerr, Lea, S. Malone, M. Martin, Pierce, Shelby, L. Smith, Webb.

Total18

ABSENT OR NOT VOTING: D. Creekmore, Flowers, King, McLean, Reynolds, Sample, Slinkard.

Total7

VOTING PRESENT: Clemmer, Dismang.

Total2

Total number of votes cast.....93

Total number voting in the affirmative73

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 663**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Allen, T. Baker, Barnett, Betts, Blount, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Cash, Cheatham, Cole, Cook, Cooper, L. Cowling, Dale, Davenport, Davis, J. Dickinson, Dunn, J. Edwards, Everett, Garner, Gaskill, George, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, House, Hyde, Ingram, Kidd, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, Maxwell, McCrary, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Powers, Pyle, Ragland, Rainey, Reep, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, G. Smith, Stewart, Summers, Tyler, Wagner, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total73

NEGATIVE: Adcock, Baird, T. Bradford, Carter, English, Glidewell, Hobbs, Hopper, Hoyt, D. Hutchinson, Kerr, Lea, S. Malone, M. Martin, Pierce, Shelby, L. Smith, Webb.

Total18

ABSENT OR NOT VOTING: D. Creekmore, Flowers, King, McLean, Reynolds, Sample, Slinkard.

Total7

VOTING PRESENT: Clemmer, Dismang.

Total2

Total number of votes cast.....93

Total number voting in the affirmative73

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

So the Emergency Clause was adopted.

SENATE BILL NO. 830

BY: SENATOR MADISON

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

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: King, Sample, Slinkard.

Total3

VOTING PRESENT:

Total0

Total number of votes cast97

Total number voting in the affirmative97

Necessary to the passage of the bill51

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

There being an Emergency Clause attached to **SENATE BILL NO. 830**, the Speaker ordered the clerk to call the roll upon the adoption of the Emergency Clause. The vote was as follows:

EMERGENCY CLAUSE

AFFIRMATIVE: Abernathy, Adcock, Allen, Baird, T. Baker, Barnett, Betts, Blount, T. Bradford, Breedlove, J. Brown, J. Burris, M. Burris, Carnine, Carroll, Carter, Cash, Cheatham, Clemmer, Cole, Cook, Cooper, L. Cowling, D. Creekmore, Dale, Davenport, Davis, J. Dickinson, Dismang, Dunn, J. Edwards, English, Everett, Flowers, Garner, Gaskill, George, Glidewell, R. Green, Greenberg, Hall, Hardy, Harrelson, Hawkins, Hobbs, Hopper, House, Hoyt, D. Hutchinson, Hyde, Ingram, Kerr, Kidd, Lea, W. Lewellen, Lindsey, Lovell, Lowery, Maloch, S. Malone, M. Martin, Maxwell, McCrary, McLean, Moore, Nickels, Nix, Overbey, Patterson, Pennartz, Perry, Pierce, Powers, Pyle, Ragland, Rainey, Reep, Reynolds, Rice, J. Roebuck, J. Rogers, T. Rogers, Saunders, Shelby, G. Smith, L. Smith, Stewart, Summers, Tyler, Wagner, Webb, Wells, B. Wilkins, Williams, Woods, Word, Mr. Speaker.

Total97

NEGATIVE:

Total0

ABSENT OR NOT VOTING: King, Sample, Slinkard.

Total3

VOTING PRESENT:

Total0

Total number of votes cast.....97

Total number voting in the affirmative97

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

So the Emergency Clause was adopted.

HOUSE BILLS ORDERED TRANSMITTED TO THE SENATE AS PASSED

HOUSE BILL NO. 1485	BY REPRESENTATIVE SAUNDERS
HOUSE BILL NO. 1647	BY REPRESENTATIVE WOODS
HOUSE BILL NO. 1703	BY REPRESENTATIVE SHELBY
HOUSE BILL NO. 1920	BY REPRESENTATIVE MALOCH
HOUSE BILL NO. 1942	BY REPRESENTATIVE INGRAM
HOUSE BILL NO. 2002	BY REPRESENTATIVE MAXWELL
HOUSE BILL NO. 2145	BY REPRESENTATIVE RAGLAND

HOUSE CONCURRENT RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT RESOLUTION NO. 1021	BY REPRESENTATIVE W. LEWELLEN
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HOUSE CONCURRENT MEMORIAL RESOLUTIONS ADOPTED AND
ORDERED TRANSMITTED TO THE SENATE

HOUSE CONCURRENT MEMORIAL RESOLUTION NO. 1002	BY REPRESENTATIVE L. SMITH
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SENATE BILLS ORDERED RETURNED TO THE SENATE AS PASSED

SENATE BILL NO. 26	BY SENATOR T. SMITH
SENATE BILL NO. 143	BY SENATOR BROADWAY
SENATE BILL NO. 379	BY SENATOR STEELE
SENATE BILL NO. 447	BY SENATOR D. JOHNSON
SENATE BILL NO. 830	BY SENATOR MADISON

ARKANSAS SENATE
HOUSE BILLS RETURNED FROM THE SENATE AS PASSED

HOUSE BILL NO. 1002	BY REPRESENTATIVE WILLS
HOUSE BILL NO. 1183	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1185	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1402	
AS AMENDED #1	BY REPRESENTATIVE HARRELSON
HOUSE BILL NO. 1523	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1524	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1525	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1526	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1527	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1528	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1529	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1530	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1532	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1533	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1534	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1535	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1536	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1537	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1538	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1539	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1540	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1541	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1542	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1604	BY REPRESENTATIVE REYNOLDS
HOUSE BILL NO. 1777	BY JOINT BUDGET COMMITTEE
HOUSE BILL NO. 1834	BY REPRESENTATIVE LINDSEY
HOUSE BILL NO. 1846	BY REPRESENTATIVE MOORE
HOUSE BILL NO. 1847	BY REPRESENTATIVE MOORE
HOUSE BILL NO. 1901	BY REPRESENTATIVE SLINKARD
HOUSE BILL NO. 2029	BY REPRESENTATIVE J. BROWN
HOUSE BILL NO. 2073	BY REPRESENTATIVE HAWKINS

ARKANSAS SENATE
HOUSE CONCURRENT RESOLUTIONS CONCURRED IN
AND RETURNED TO THE HOUSE

HOUSE CONCURRENT
RESOLUTION NO. 1020

BY REPRESENTATIVE BLOUNT

ARKANSAS SENATE
SENATE BILLS RECEIVED FROM SENATE

SENATE BILL NO. 87	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 144	BY JOINT BUDGET COMMITTEE
SENATE BILL NO. 410	BY SENATOR MADISON
SENATE BILL NO. 470	BY SENATOR ELLIOTT
SENATE BILL NO. 515	BY SENATOR MADISON
SENATE BILL NO. 744	BY SENATOR BROADWAY
SENATE BILL NO. 788	BY SENATOR H. WILKINS
SENATE BILL NO. 806	BY SENATOR T. SMITH
SENATE BILL NO. 812	BY SENATOR FARIS
SENATE BILL NO. 813	BY SENATOR FARIS
SENATE BILL NO. 819	BY SENATOR LAVERTY
SENATE BILL NO. 882	BY SENATOR ALTES
SENATE BILL NO. 884	BY SENATOR BLEDSOE
SENATE BILL NO. 901	BY SENATOR MADISON
SENATE BILL NO. 942	BY SENATOR ELLIOTT
SENATE BILL NO. 972	BY SENATOR D. JOHNSON
SENATE BILL NO. 988	BY SENATOR GLOVER
SENATE BILL NO. 993	BY SENATOR R. THOMPSON
SENATE BILL NO. 1001	BY SENATOR H. WILKINS

SENATE BILL NO. 410

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 5 OF THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 470

BY: SENATOR ELLIOTT**BY: REPRESENTATIVE RAINEY**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A LEGISLATIVE TASKFORCE ON REDUCING POVERTY AND PROMOTING ECONOMIC OPPORTUNITY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

SENATE BILL NO. 515

BY: SENATOR MADISON**BY: REPRESENTATIVE POWERS**

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE CHILD WELFARE AGENCY LICENSING ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

SENATE BILL NO. 788

BY: SENATORS H. WILKINS, ELLIOTT, STEELE

BY: REPRESENTATIVES HARRELSON, L. SMITH, WILLIAMS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE JUVENILE CODE TO ALLOW A COURT TO CONSIDER WHETHER A CONFESSION OR WAIVER OF COUNSEL WAS RECORDED WHEN DETERMINING WHETHER THE CONFESSION OR WAIVER OF COUNSEL WAS MADE FREELY, VOLUNTARILY, AND INTELLIGENTLY; TO CODIFY THE CASE LAW REGARDING THE CIRCUMSTANCES A COURT MAY CONSIDER IN EVALUATING A CONFESSION OF A JUVENILE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 806

BY: SENATORS T. SMITH, ALTES, G. BAKER, BLEDSOE, BOOKOUT, HORN, B. JOHNSON, P. MALONE, TEAGUE, H. WILKINS

BY: REPRESENTATIVES HAWKINS, HOYT, ABERNATHY, DUNN, GLIDEWELL, HARDY, HYDE, INGRAM, W. LEWELLEN, MAXWELL, RAINEY

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ENACT THE STATE INSURANCE DEPARTMENT GENERAL OMNIBUS BILL; TO UPDATE AND MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS INSURANCE LAWS; TO REPEAL SECTION 1 OF ACT 901 OF 1993, CONCERNING THE PAYMENT OF INSURANCE AGENT FEES; TO AMEND THE CAPITAL REQUIREMENTS FOR DOING BUSINESS UNDER THE SERVICE CONTRACTS ACT, § 4-114-101 ET SEQ.; TO AMEND ARKANSAS CODE § 11-9-801(a) TO AUTHORIZE THE PAYMENT OF WORKERS' COMPENSATION BENEFITS BY ELECTRONIC FUNDS TRANSFER; TO AMEND THE GENERAL PENALTY SECTION OF THE INSURANCE CODE; TO AMEND ARKANSAS CODE § 23-61-103(d) CONCERNING THE RELEASE OF ACTIVE EXAMINATION OR INVESTIGATORY FILES; TO AMEND ARKANSAS CODE § 23-61-207 TO PROVIDE CONFIDENTIALITY PROTECTION FOR ANICILLARY FINANCIAL AND INSURANCE INFORMATION REQUESTED BY THE INSURANCE

COMMISSIONER; TO PERMIT THE BIENNIAL COLLECTION OF LICENSE FEES AND ESTABLISH EQUAL NONRESIDENT INSURANCE AGENT LICENSE FEES BY INSURANCE COMMISSIONER RULE; TO AMEND ARKANSAS CODE § 23-61-703 TO REVISE THE DUE DATE OF AN INSURER'S ADMINISTRATIVE AND FINANCIAL REGULATION FEE; TO AMEND ARKANSAS CODE § 23-62-111 TO ADD EMPLOYER-SPONSORED HEALTH PLANS AS AN INSURED UNDER EMPLOYEE BENEFIT STOP-LOSS INSURANCE; TO AMEND ARKANSAS CODE § 23-63-111 TO REQUIRE AN INSURANCE PRODUCER TO MAIL OR DELIVER CLAIM LOSS INFORMATION TO THE POLICYHOLDER AFTER THE CLAIM LOSS INFORMATION HAS BEEN RECEIVED BY THE INSURANCE PRODUCER; TO MODERNIZE THE LAWS PERTAINING TO CHARITABLE GIFT ANNUITIES; TO REGULATE THE SUSPENSION OF AN INSURANCE COMPANY'S CERTIFICATE OF AUTHORITY; TO AMEND ARKANSAS CODE § 23-63-216(b)(5) TO REPEAL THE REQUIREMENT FOR FILING HARD COPIES OF FINANCIAL STATEMENTS WITH THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS; TO REPEAL § 23-63-701(g) CONCERNING THE LIMIT OF RISK OF A MUTUAL INSURER; TO AMEND ARKANSAS CODE § 23-63-818 CONCERNING A DOMESTIC INSURER'S INVESTMENTS IN ITS SUBSIDIARIES; TO AMEND ARKANSAS CODE § 23-63-841 TO CORRECT AN INTERNAL REFERENCE; TO MAKE A TECHNICAL CORRECTION TO ARKANSAS CODE § 23-63-1105(b) CONCERNING CONTROLLED INSURERS; TO AMEND ARKANSAS CODE § 23-63-1607(b)(3)(A) TO CORRECT THE ARKANSAS CODE CITATION FOR AN ASSOCIATION CAPTIVE INSURANCE COMPANY'S ANNUAL REPORT; TO ADOPT THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS PROPERTY AND CASUALTY ACTUARIAL OPINION MODEL LAW; TO AMEND ARKANSAS CODE § 23-64-209 TO IMPLEMENT A CONTINUING EDUCATION REQUIREMENT AND A NOTICE REQUIREMENT FOR INSURANCE ADJUSTERS; TO PROVIDE A BIENNIAL CYCLE TO CONTINUE A LICENSE OF AN INSURANCE ADJUSTER OR INSURANCE CONSULTANT; TO CLARIFY THE RECORD RETENTION REQUIREMENTS OF INSURANCE AGENTS AND BROKERS; TO REVISE THE CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS; TO AMEND ARKANSAS CODE § 23-64-405(g)(2) TO CORRECT AN INTERNAL REFERENCE; TO AMEND ARKANSAS CODE § 23-65-311 TO REQUIRE SURPLUS LINES BROKERS TO PROVIDE CLAIM LOSS INFORMATION TO THE POLICYHOLDER; TO AMEND ARKANSAS CODE § 23-69-113 TO ELIMINATE THE USE OF CORPORATE SURETY BONDS AS ACCEPTABLE SECURITIES FOR DOMESTIC MUTUAL INSURERS; TO CLARIFY THE DEPOSIT REQUIREMENTS OF FARMERS' MUTUAL AID ASSOCIATIONS;

TO AMEND ARKANSAS CODE § 23-75-106 TO REQUIRE A HOSPITAL MEDICAL SERVICE CORPORATION TO NOTIFY THE INSURANCE COMMISSIONER IF IT CHANGES OR AMENDS ITS ARTICLES OF INCORPORATION OR BYLAWS; TO AMEND ARKANSAS CODE § 23-79-109(a)(1)(B) TO EXEMPT SURPLUS LINES INSURERS FROM FILING POLICY AND CONTRACT FORMS FOR APPROVAL; TO AMEND ARKANSAS CODE § 23-79-138 TO INCLUDE INFORMATION TO ACCOMPANY TITLE INSURANCE POLICIES; TO REMOVE THE EXEMPTION FOR MEDICAL MALPRACTICE INSURANCE FROM THE MINIMUM POLICY REQUIREMENTS OF § 23-79-301 ET SEQ.; TO AUTHORIZE THE ARKANSAS COMPREHENSIVE HEALTH INSURANCE POOL TO INCREASE MAXIMUM LIFETIME BENEFITS FOR POOL POLICYHOLDERS, STRENGTHEN PROTECTION AGAINST FRAUDULENT INSURANCE ACTS, AND UPDATE BENEFIT EXCLUSION PROVISIONS IN POOL PLANS; TO REVISE THE DEFINITION OF A SMALL EMPLOYER FOR SMALL GROUP HEALTH INSURANCE COVERAGE; TO PROVIDE SIXTY DAYS' NOTICE OF THE RENEWAL OR NONRENEWAL OF A COMMERCIAL AUTOMOBILE INSURANCE POLICY; TO AMEND ARKANSAS CODE § 23-93-103 TO REVISE THE DEFINITION OF "CONTINUING CARE" UNDER THE CONTINUING CARE PROVIDER REGULATION ACT; TO DECLARE AN EMERGENCY FOR SECTION 20 OF THIS ACT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 812

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE A CONSISTENT REVIEW PROCESS FOR A CONTRACT BY A STATE AGENCY THAT RESULTS IN A PARTIAL EQUITY OWNERSHIP AGREEMENT; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 813

BY: SENATOR FARIS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS CODE IN ORDER TO CLARIFY AND SIMPLIFY PROVISIONS OF THE ELECTION LAWS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 819

BY: SENATORS LAVERTY, *STEELE*

BY: REPRESENTATIVES COOPER, EVERETT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO IMPROVE ADMINISTRATIVE PROCESSES AT THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF HEALTH TO BETTER PROTECT PERSONS WHO HAVE DISABILITIES, PERSONS WHO HAVE DEVELOPMENTAL DISABILITIES, PERSONS WHO ARE ELDERLY, AND CHILDREN BY CONSOLIDATING THE VARIOUS PROCESSES FOR CONDUCTING CRIMINAL HISTORY CHECKS FOR DIVERSE SERVICE PROVIDERS AND THEIR EMPLOYEES; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE AND LABOR.

SENATE BILL NO. 882

BY: SENATOR ALTES

BY: REPRESENTATIVE S. MALONE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE STATUTE REGARDING VICTIM RESTITUTION; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 884

BY: SENATOR BLEDSOE

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CLARIFY THE TIME FOR THE DIRECTOR OF THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION TO RESPOND TO AN ECONOMIC IMPACT STATEMENT; TO REQUIRE THE DIRECTOR TO SEND PROPOSED RULES TO THE REGULATORY REVIEW COMMITTEE; TO CREATE THE REGULATORY REVIEW COMMITTEE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 901

BY: SENATOR MADISON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND ARKANSAS LAW CONCERNING UNOPPOSED CANDIDATES IN CERTAIN ELECTIONS; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 942

BY: SENATOR ELLIOTT

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO CREATE THE ARKANSAS LEGISLATIVE TASK FORCE ON CRIMINAL JUSTICE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS.

SENATE BILL NO. 972

BY: SENATOR D. JOHNSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO CERTAIN BUSINESS ENTITY STATUTES AND THE MODEL REGISTERED AGENTS ACT, § 4-20-101 ET SEQ., CONCERNING THE ESTABLISHMENT OF DESIGNATED OFFICES AND SERVICE UPON A FOREIGN ENTITY; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

SENATE BILL NO. 988

BY: SENATOR GLOVER

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO AMEND THE MAKEUP OF THE MEMBERS OF THE *PAROLE BOARD*; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 993

BY: SENATOR R. THOMPSON

A BILL FOR AN ACT TO BE ENTITLED AN ACT CONCERNING ORAL LEASES OF FARMLANDS; TO PROVIDE AN EMERGENCY EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

SENATE BILL NO. 1001

BY: SENATOR H. WILKINS

A BILL FOR AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A RACIAL PROFILING HOTLINE; TO ESTABLISH CERTAIN REQUIREMENTS OF THE ATTORNEY GENERAL IN REPORTING RACIAL PROFILING; AND FOR OTHER PURPOSES.

Was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Upon motion of Representative Curren Everett, the House adjourned at 3:58 p.m. until 1:30 p.m., Tuesday, March 24, 2009.

ATTEST:

Robbie Wills
Speaker of the House of Representatives

Jo Renshaw
Chief Clerk

