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

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Little Rock, Arkansas

March 16, 2009

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

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

ALTES, BAKER, BLEDSOE, BOOKOUT, BROADWAY,  
BRYLES, CAPPS, CRUMBLY, ELLIOTT, FARIS,  
GLOVER, HENDREN, HORN, G. JEFFRESS, J.  
JEFFRESS, B. JOHNSON, D. JOHNSON, KEY,  
LAVERTY, LUKER, MADISON, MALONE, MILLER,  
PRITCHARD, SALMON, SMITH, STEELE, TAYLOR,  
TEAGUE, THOMPSON, TRUSTY, WHITAKER, WILKINS,  
WILKINSON, WYATT.

The Senate was led in prayer by Senator Miller.

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

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

On motion of Senator Wyatt, **Senate Bill No. 949** was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 949**

Amend **Senate Bill No. 949** as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-106-108(b), concerning acceptable examinations, is amended to read as follows:

(b) The State Board of Health shall identify acceptable examinations such as those administered by the American Registry of Radiologic Technologists, the American Chiropractic Registry of Radiologic Technologists with didactic training of a forty-eight-hour program recommended by the American Chiropractic Registry of Radiologic Technologists and administered by a Diplomate of the American Chiropractic Board of Radiology, or the Nuclear Medicine Technology Certification Board.

SECTION 2. Arkansas Code § 17-106-111(a), concerning exemptions from this chapter, is amended to read as follows:

(a)(1) Dentists, dental hygienists, registered dental assistants with the expanded duty of radiography, radiation health physicists, radiation medical physicists, chiropractic externs, bone densitometrists, and certified medical dosimetrists are excluded from this chapter.

(2) Any exemptions from the provisions of this chapter are exclusive to those enumerated in this subsection."

(SIGNED) SENATOR DAVID WYATT

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 949** was ordered engrossed.

On motion of Senator J. Jeffress, **House Bill No. 1372** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1372**

Amend **House Bill No. 1372** as originally introduced:

Add Representative Harrelson as a cosponsor of the bill

AND

Page 1, delete Section 1 and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 4 is amended to add an additional section to read as follows:

6-17-424. Subpoena Powers.

(a)(1) The following boards shall have the power to issue subpoenas and bring before the board as a witness any person in this state:

(A) Professional Licensure Standards Board, § 6-17-422; and

(B) State Board of Education, § 6-11-101 et seq.

(2) The Professional Licensure Standards Board or the State Board of Education shall by rule provide for the issuance of a subpoena upon the request of a party to a proceeding pending before the Professional Licensure Standards Board or the State Board of Education or at the request of the Professional Licensure Standards Board or the State Board of Education.

(3) The subpoena shall:

(A) Be in the name of either the Professional Licensure Standards Board or the State Board of Education;

(B) State the name of the board hearing the proceeding and the name of the proceeding; and

(C)(i) Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

(a) In person;

(b) Before a certified court reporter under oath at the place of the witness' residence or employment;

(c) By video-taped deposition at the place of the witness' residence or employment; or

(d) By live video communications from the witness' residence, place of employment, or a nearby facility capable of providing video transmission to the board hearing the proceeding that has subpoenaed the witness.

(ii) The manner of providing testimony under the subpoena shall be agreed upon by the board and the person who is the subject of the subpoena.

(4) The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.

(5) Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.

(b)(1) A witness who has been served by subpoena under this section and who appears in person to testify at the trial or case pending before the Professional Licensure Standards Board or the State Board of Education shall be reimbursed the for travel and attendance as provided by law.

(2) If a witness is served with subpoena under this section and fails to provide testimony in obedience to the subpoena, the State Board of Education may apply to the circuit court of the county in which the Professional Licensure Standards Board or the State Board of Education is holding the preceding for an order causing the arrest of the witness and directing that the witness be brought before the court.

(3) The court shall have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.

(4) A witness who has been served with a subpoena under this section may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed."

(SIGNED) SENATOR J. JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1372 was ordered engrossed.

On motion of Senator Altes, Senate Bill No. 896 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 2 to SENATE BILL NO. 896

Amend Senate Bill No. 896 as engrossed, S3/11/09:

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

"SECTION 1. Arkansas Code § 6-20-2305(a)(4) concerning the foundation aid calculation is amended to add the following subdivisions:

(C)(i) Data to verify the timely receipt of revenues applicable to the required ninety-eight percent (98%) of the uniform rate of tax multiplied by the property assessment of the school district shall be collected annually by the Department of Education in cooperation with the Assessment Coordination Department.

(ii)(a) Data may be appropriately adjusted by the Department of Education if it is determined that irregular distributions by a county treasurer of excess commissions cause a school district's property tax collection rate from the uniform rate of tax to exceed ninety-eight percent (98%).

(b) The Department of Education may adjust the uniform rate of tax from an irregular distribution to an amount not in excess of ninety-eight percent (98%) and apply the excess distribution amount the following school year.

(iii) Evidence of irregular distributions shall be in the form required by the Department of Education.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that accurate information is required to determine the correct funding for school districts; that variances in the distribution of excess commission payments to school districts can cause aberrations in revenue levels; and that this act is immediately necessary to ensure a school district receives all funding it is entitled to and is not penalized for irregularities in the distribution of excess commission payments. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

(SIGNED) SENATOR DENNY ALTES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 896 was ordered engrossed.

On motion of Senator Broadway, Senate Bill No. 850 was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

Amendment No. 2 to SENATE BILL NO. 850

Amend **Senate Bill No. 850** as engrossed, S3/10/09:

Page 1, delete lines 26 through 36 and substitute the following language:

~~“(5) “High school graduate” means any student who graduates from an Arkansas high school during the twelve-month period immediately preceding the year of application for a grant under this subchapter;~~

~~(6)(5) “High school graduate equivalent” means any a student between sixteen (16) and eighteen (18) years of age who passes the General Educational Development Test in Arkansas during the twelve-month period immediately preceding the year of application to this program;~~

~~(7)(6) “Part-time undergraduate student” means a resident of Arkansas who attends an approved institution of higher education and is enrolled in at least six (6) credit hours per semester or the equivalent but no more than twelve (12) credit hours or the equivalent the first semester and fifteen (15) credit hours or the equivalent thereafter, as defined by rule of the Department of Higher Education, in a program of study that leads to or is creditable towards an associate degree or a baccalaureate degree; and~~

~~(8) “Unemancipated child” or “unemancipated children” means a dependent child or dependent children as defined by the United States Department of Education for student aid purposes. “Qualified certificate program” means a program that is:~~

~~(A) Offered by an approved institution of higher education;~~

~~(B) Shorter in duration than an associate degree for which credit hours awarded that are creditable towards an associate degree; and~~

~~(C) Recognized by the United States Department of Education for financial aid purposes.”~~

AND

Page 2, delete lines 1 through 7

AND

Page 2, delete lines 24 through 28 and substitute the following language:

~~“(4)(3) An applicant shall be accepted for admission to in a qualified certificate program, associate degree program, or a baccalaureate program at an approved institution of higher education as a full-time or part-time first-time student, as defined by the department, and shall enroll in an approved institution within twelve (12) months of high school graduation or notification of successful completion of the General Educational Development Test;”~~

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 850** was ordered engrossed.

On motion of Senator Key, **Senate Bill No. 1006** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 1006**

Amend **Senate Bill No. 1006** as originally introduced:

Delete Section 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 6-17-414, concerning the criminal records check as a condition for initial employment of nonlicensed school personnel, is amended to add an additional subsection to read as follows:

(g)(1) The requirements of subsection (b) of this section may be waived by the state board if:

(A) An applicant for employment who is affected by subsection (b) of this section files with the Department of Education an application requesting a waiver; and

(B) The waiver is supported by:

(i) The superintendent of the employing school district;  
(ii) The director of the employing public charter school;

or

(iii) The director of the employing educational service cooperative.

(2) The state board may grant a waiver based on one (1) or more of the following considerations:

(A) The age at which a conviction or plea of guilty or nolo contendere was entered;

(B) The circumstances surrounding the criminal offense;

(C) The amount of time that has lapsed since the commission of the criminal offense;

(D) The applicant's subsequent work history and employment references;

(E) Character references for the applicant; and

(F) Any other evidence deemed sufficient by the state board demonstrating that the applicant does not pose a threat to the health or safety of students, employees, or patrons of a public school, public charter school, or education service cooperative."

(SIGNED) SENATOR J. KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 1006** was ordered engrossed.

On motion of Senator Altus, **Senate Bill No. 9** was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 9**

Amend **Senate Bill No. 9** as engrossed, S3/3/09:

Page 5, delete lines 17 through 19

(SIGNED) SENATOR DENNY ALTUS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 9** was ordered engrossed.

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

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

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

Page 1 line 10, delete "EDUCATION" and substitute "RURAL SERVICES"

AND

Page 1, line 15, delete "EDUCATION" and substitute "RURAL SERVICES"

AND

Page 1, line 22, delete "Education" and substitute "Rural Services"

AND

Page 1, line 27, delete "\$1,800,000" and substitute "\$3,300,000".

(SIGNED) SENATOR J. ELLIOTT

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 728** was ordered engrossed.

On motion of Senator Faris, **Senate Bill No. 868** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 868**

Amend **Senate Bill No. 868** as originally introduced:

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

"SECTION 1. Arkansas Code § 19-7-402(d)(1), concerning the receipt and distribution of federal funds from the sale of public domain lands and leases is amended to read as follows:

(d)(1) ~~It shall be the duty of the Department of Education to~~ The Treasurer of State shall distribute that portion of the funds ~~accruing that accrue~~ to the schools to the respective counties, and ~~the duty of the Auditor of State to distribute the funds accruing that accrue~~ to the county road funds.

SECTION 2. Arkansas Code § 19-7-801 is amended to read as follows:  
 19-7-801. ~~Federal lands other than military~~ Federal lands.

(a) ~~Such funds as are received from and after April 15, 1983, by the Treasurer of State from the federal government on account of the sale of minerals, oil, and gas or the lease of minerals, oil, and gas on lands other than military lands belonging to the federal government located in the state shall be deposited into the State Treasury, and the Treasurer of State shall credit the funds as follows:~~

~~(1) All these funds received during each calendar year shall be first distributed to the respective counties in which the funds were generated until the benefiting counties receive a distribution of these funds equal to the amount of the funds received in the 1981-82 fiscal year, and all moneys in excess of the amount generated in the counties in excess of the amount received in the 1981-82 fiscal year shall be retained by the Treasurer of State for distribution as provided in subdivision (a)(2) of this section. Funds received by each benefiting county under this subsection shall be allocated in the same proportion, to be used for the same purposes as funds received by each county under the provisions of subdivision (a)(2) of this section.~~

~~(2) After the requirements of subdivision (a)(1) have been met each year, all additional funds so deposited into the State Treasury shall be credited by the Treasurer of State as follows:~~

~~(A) Fifty percent (50%) of the funds shall be credited to the General Revenue Fund Account of the State Apportionment Fund, for distribution to the various funds participating in the distribution of general revenues in the respective proportions to each such fund, to be used for the respective purposes as set forth in the Revenue Stabilization Law, § 19-5-101 et seq.;~~

~~(B) Fifty percent (50%) of the funds shall be distributed to the counties having land in the nonmilitary federal installation from which the sale or lease of minerals, oil, or gas has generated the funds, with each county to receive a proportionate part of the funds equal to the ratio of the total number of acres of land in the federal installation in each county as the acreage bears to the total number of acres of the federal installation in all counties having land in the federal installation to be distributed by the Treasurer of State as follows:~~

~~(i) Sixty percent (60%) of the funds to be transferred to the Public School Fund, to be distributed by the Department of Education to the school districts whose boundaries include a portion of the nonmilitary federal installation in the counties. Should there be more than one (1) school district whose boundaries include a portion of the federal installation within a county receiving these funds, then each school district in that county shall receive a proportionate share of the funds allocated by this section to the Public School Fund for the county, to be distributed as follows:~~

~~(a) Fifty percent (50%) of the funds shall be divided between the school districts based on the ratio of the total number of acres of land in each school district within the boundaries of the federal installation in the county as the acreage bears to the total number of acres in the federal installation in the county; and~~

~~(b) The other fifty percent (50%) of the funds shall be divided between the school districts based on the most recent average daily membership of each school district as defined in § 6-20-303 [Repealed.];~~

~~(ii) Fifteen percent (15%) of the funds shall be distributed to the County Aid Fund, to be distributed by the Treasurer of State to the county road funds of the counties to which these moneys are allocated;~~

~~(iii) Twenty-five percent (25%) of the funds shall be distributed to the County Aid Fund, for distribution by the Treasurer of State to the county treasurer of the county to which the funds are to be distributed. Upon receipt of these funds, the county treasurer of the county shall distribute the funds to the county general fund and to the respective cities, towns, school districts, community college districts, and county and municipal libraries in the county in a proportion that~~

~~each taxing unit shares in the real and personal property taxes collected in the county, with the exception that the school districts in the county and the county road fund which received a distribution as set out in subdivisions (a)(2)(B)(2)(i)-(iii) of section shall not be entitled to receive an additional share of the funds to be distributed under this subdivision.~~

~~(b) The provisions of this section shall govern with respect to such funds as are received by the Treasurer of State from the federal government on account of the sale of minerals, oil, and gas or the lease of minerals, oil, and gas on lands other than military lands belonging to the the federal government located in this state and shall supersede, and be in lieu of, the method provided for the distribution and use of federal Mineral Leasing Act moneys received by the State of Arkansas as provided in § 19-7-402 Moneys received by the Treasurer of State from the federal government for a sale, lease, royalty, bonus, or rental of oil, gas, or mineral lands belonging to the federal government and located in this state shall be distributed under this section.~~

~~(b) Moneys received under subsection (a) of this section by and after September 1, 2008, by the Treasurer of the State shall be credited by the Treasurer of State as follows:~~

~~(1) Fifty percent (50%) of the moneys received shall be credited to the General Revenue Fund Account of the State Apportionment Fund for distribution to various funds that participate in the distribution of general revenues in the respective proportion to each fund, to be used for the purposes under the Revenue Stabilization Law, § 19-5-101 et seq.; and~~

~~(2) Fifty percent (50%) of the moneys received shall be distributed to the counties in which the federal lands that generate the moneys are located according to federal reports that identify the counties with the federal lands that generate the moneys. Moneys under this subdivision (b)(2) shall be distributed by the Treasurer of the State as follows:~~

~~(A) Sixty percent (60%) of the moneys shall be distributed to the County Aid Fund, to be distributed by the Treasurer of State to the county treasurer of each county that has a school district with a boundary that includes a portion of the federal lands that generate the moneys.~~

~~(i) A county is responsible for distributing moneys under subdivision (b)(2)(A)(i) of this section to a school district with a boundary that includes a portion of the federal lands that generate the moneys.~~

~~(ii) If there is more than one (1) school district with a boundary that includes a portion of the federal lands that generate the moneys within a county receiving these moneys, then each school district in that county shall receive a proportionate share of the moneys based on the school district's portion of the acreage over the total acreage in all districts in that county; and~~

~~(B) Fifteen percent (15%) of the moneys received under subdivision (b)(2) of this section shall be distributed to the County Aid Fund, to be distributed by the Treasurer of State to the county treasurer for credit to the county road funds of the counties to which these moneys are allocated; and~~

~~(C) Twenty-five percent (25%) of the moneys received under subdivision (b)(2) of this section shall be distributed to the County Aid Fund, for distribution by the Treasurer of State to the county treasurer of the county to which the moneys are to be distributed.~~

~~(i) Except as provided under subdivision (b)(2)(C)(ii) of this section, on receipt of the moneys under subdivision (b)(2)(C) of this section, the county treasurer of the county shall distribute the moneys to the county general fund and to the respective cities, towns, school districts, community college districts, and county and municipal libraries in the county in the proportion that each taxing unit shares in the real and personal property taxes collected in the county.~~

~~(ii) A school district in the county that receives a distribution of funds under subdivisions (b)(2)(A) and (B) of this section and the county road fund that receives a distribution of funds under subdivisions (b)(2)(A)~~

and (B) of this section are not entitled to receive an additional distribution of the funds under subdivision (b)(2)(C) of this section.

SECTION 3. Arkansas Code § 19-7-802 is repealed.

~~19-7-802. Federal military lands.~~

~~(a) Such funds as are received from and after April 15, 1983, by the Treasurer of State from the federal government on account of the sale of minerals, oil, and gas or the lease of minerals, oil, and gas on military lands belonging to the federal government located in this state, referred to in this section as "federal military lands", shall be deposited into the State Treasury, and the Treasurer of State shall credit funds as follows:~~

~~(1) Fifty percent (50%) of the funds shall be credited to the General Revenue Fund Account of the State Apportionment Fund, for distribution to the various funds participating in the distribution of general revenues in the respective proportions to each such fund, to be used for the respective purposes set forth in the Revenue Stabilization Law, § 19-5-101 et seq.;~~

~~(2) Fifty percent (50%) of the funds shall be distributed to the counties having land in the military reservation from which the sale or lease of minerals, oil, or gas has generated such funds, with each county to receive a proportionate part equal to the ratio of the total number of acres of federal military lands in each county as the land bears to the total acreage of the federal military lands in all the counties having such lands in them, to be distributed by the Treasurer of State as follows:~~

~~(A) Sixty percent (60%) of the funds to be transferred to the Public School Fund, to be distributed by the Department of Education to the school districts whose boundaries include a portion of the federal military lands in these counties. Should there be more than one (1) school district whose boundaries include a portion of the federal military lands within a county receiving these funds, then each school district in that county shall receive a proportionate share of the funds allocated by this section to the Public School Fund for the county, to be distributed as follows:~~

~~(i) Fifty percent (50%) of the funds shall be divided between the school districts based on the ratio of the total number of acres of federal military lands in each school district in the county as the acreage bears to the total number of acres in the federal military lands in the county; and~~

~~(ii) The other fifty percent (50%) of the funds shall be divided between the school districts based on the most recent average daily membership of each school district as defined in § 6-20-303 [repealed];~~

~~(B) Fifteen percent (15%) of the funds to the County Aid Fund, to be distributed by the Treasurer of State to the county road fund of the county to which the moneys are allocated; and~~

~~(C) Twenty-five percent (25%) of the funds to the County Aid Fund for distribution by the Treasurer of State to the county treasurer of the county to which the funds are to be distributed. Upon receipt of these funds, the county treasurer of the county shall distribute the funds to the county general fund and to the respective cities, towns, school districts, community college districts, and county and municipal libraries in the county in a proportion that each taxing unit shares in the real and personal property taxes as collected in the county, with the exception that the school districts in the county and the county road fund which received a distribution as set out in subdivisions (a)(2)(A) and (B) of this section shall not be entitled to receive an additional share of the funds to be distributed under subdivision (a)(2)(C) of this section.~~

~~(b) The provisions of this section shall govern with respect to such funds as are received by the Treasurer of State from the federal government on account of the sale of minerals, oil, and gas or the lease of minerals, oil, and gas on military lands belonging to the federal government located in this state and shall be in lieu of the method provided for the distribution and use of federal Mineral Leasing Act moneys received by the State of Arkansas from federal lands, other than federal~~

~~military lands, as provided in § 19-7-402."~~

(SIGNED) SENATOR STEVE FARIS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 868** was ordered engrossed.

On motion of Senator G. Jeffress, **House Bill No. 1580** was withdrawn from the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1580**

Amend **House Bill No. 1580** as engrossed, H3/9/09:

Page 3, line 22 delete "mcf" and substitute "cf"

AND

Page 3, line 26 delete "mcf" and substitute "cf"

(SIGNED) SENATOR GENE JEFFRESS

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1580** was ordered engrossed.

On motion of Senator Broadway, **Senate Bill No. 853** was withdrawn from the Committee on EDUCATION, and placed back on second reading for purpose of Amendment No. 1.

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

**Amendment No. 1 to SENATE BILL NO. 853**

Amend **Senate Bill No. 853** as originally introduced:

Page 8, line 24, delete "department" and substitute "Department of Higher Education"

AND

Page 8, delete line 28 and substitute the following language:  
"teacher shortage as determined by the Department of Higher Education in consultation with the Department of Education."

AND

Page 9, delete line 18 and substitute the following language:  
"Department of Higher Education in consultation with the Department of Education."

AND

Page 9, line 21, delete "department" and substitute "Department of Higher Education"

AND

Page 9, delete line 30 and substitute the following language:  
"Higher Education in consultation with the Department of Education as having a critical shortage of teachers; or"

AND

Page 9, delete line 32 and substitute the following language:  
"by the Department of Higher Education in consultation with the Department of Education as having a critical shortage of"

AND

Page 10, line 5, delete "department" and substitute "Department of Higher Education"

(SIGNED) SENATOR SHANE BROADWAY

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 853** was ordered engrossed.

On motion of Senator Smith, **Senate Bill No. 26** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 3.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 3 to SENATE BILL NO. 26**

Amend **Senate Bill No. 26** as engrossed, S3/12/09:

Add as cosponsors of the bill:  
Representatives Cole, Powers

AND

Delete Sections 1-17 of the bill in their entirety and substitute:

"SECTION 1. Arkansas Code Title 23 is amended to add an additional chapter to read as follows:

CHAPTER 115  
ARKANSAS SCHOLARSHIP LOTTERY ACT

SUBCHAPTER 1  
GENERAL PROVISIONS

23-115-101. Short title.

This chapter shall be known and may be cited as the "Arkansas Scholarship Lottery Act".

23-115-102. Legislative intent.

It is found and declared by the General Assembly that:

(1) Net proceeds of lotteries conducted under this chapter shall be used to:

(A) Fund and provide for scholarships and grants to citizens of the State of Arkansas enrolled in public and private nonprofit two-year and four-year colleges and universities located within the state; and

(B) Supplement, not supplant, nonlottery educational resources;

(2) Lotteries shall be operated and managed in a manner that:  
(A) Provides continuing entertainment to the public;  
(B) Maximizes revenues; and  
(C) Ensures that the lotteries are operated with integrity, dignity, adequate internal controls, and free of political influence; and

(3) The Arkansas Lottery Commission shall be accountable to the General Assembly and to the public through a system of audits and reports.

23-115-103. Definitions.

As used in this chapter:

(1) "Adjudication" means agency process for the formulation of an order;

(2) "Administrative expenses" means operating expenses, excluding amounts set aside for prizes, regardless of whether the prizes are claimed and excluding amounts held as a fidelity fund under § 23-115-603;

(3) "Administrative order" means the final disposition of the Arkansas Lottery Commission in any matter other than a claim in contract or in tort, including without limitation licensing, in which the Arkansas Lottery Commission is required by law to make its determination after notice and a hearing;

(4)(A) "Casino gambling" means a location or business for the purposes of conducting illegal gambling activities, including without limitation activities under § 5-66-101 et seq. that are not authorized under this chapter.

(B) "Casino gambling" does not include the sale and purchase of tickets or shares;

(5) "Female-owned business" means a business:

(A) Whose management and daily business operations are under the control of one (1) or more females; and

(B) Either:

(i) Individually owned by a female who reports as her personal income for Arkansas income tax purposes the income of the business;

(ii) Which is a partnership in which a majority of the ownership interest is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the income of the partnership; or

(iii) Which is a corporation organized under the laws of this state in which a majority of the common stock is owned by one (1) or more females who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the distributed earnings of the corporation;

(6) "Gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor;

(7) "Immediate family" means the father, mother, sister, brother, husband, wife, child, grandmother, grandfather, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepchild, grandmother-in-law, grandfather-in-law, stepgrandchild, or any individual acting as parent or guardian;

(8) "Incompetency" means:

(A) Gross ignorance of official duties;

(B) Gross carelessness in the discharge of official duties; or

(C) Inability or unfitness to discharge promptly and properly official duties because of a serious physical or mental defect that did not exist at the time of the person's appointment;

(9) "License" means authorization granted by the Arkansas Lottery Commission to an individual to operate as a retailer, including without limitation the execution of a contract between the Arkansas Lottery Commission and the individual relating to obligations and terms for operating as a retailer;

(10) "Lobbying" means communicating directly or soliciting others to communicate with any member of the Arkansas Lottery Commission, the Director of the Arkansas Lottery Commission, any employee of the Arkansas Lottery Commission, or a member of the Arkansas Lottery Commission Legislative Oversight Committee with the purpose of influencing the actions of the Arkansas Lottery Commission or the Arkansas Lottery Commission Legislative Oversight Committee;

(11) "Local government" means:

(A) A county;

(B) A city of the first class or a city of the second class;

(C) An incorporated town; or

(D) Any other district or political subdivision or any board, commission, or agency of the political subdivisions under subdivisions (10)(A)-(C) of this section;

(12)(A) "Lottery" means a game of chance approved by the Arkansas Lottery Commission and operated under this chapter.

(B) "Lottery" includes without limitation:

(i) An instant ticket;

(ii) A draw game; and

(iii) Participation in a multistate or multisovereign game.

(C) "Lottery" does not include:

(i) Casino gambling;

(ii) A video lottery;

(iii) Pari-mutuel wagering on horse racing or greyhound racing governed by the Arkansas Horse Racing Law, § 23-110-101 et seq., or the Arkansas Greyhound Racing Law, § 23-111-101 et seq., whether the pari-mutuel wagering is on live racing, simulcast racing, or races conducted in the past and rebroadcast by electronic means;

(iv) Wagering on electronic games of skill under the Local Option Horse Racing and Greyhound Racing Electronic Games of Skill Act, 23-113-101 et seq.; or

(v) Conducting or participating in charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, 23-114-101 et seq.;

(13) "Lottery proceeds" means all revenue derived from the sale of tickets or shares and all other moneys derived from a lottery, including without limitation fees collected by the commission under this chapter;

(14)(A) "Major procurement contract" means a gaming product or service costing more than seventy-five thousand dollars (\$75,000), including without limitation:

(i) A major advertising contract;

(ii) An annuity contract;

(iii) A prize payment agreement;

(iv) A consulting service;

(v) Lottery equipment;

(vi) Tickets; and

(vii) Any other product and service unique to lotteries.

(B) "Major procurement contract" does not include a material, supply, equipment, or service common to the ordinary operations of the Arkansas Lottery Commission.

(C) If the commission executes a contract in which the cost of the contract is calculated on a contingent basis, the commission shall estimate the value of the contract to determine if it is a major procurement contract;

(15) "Member of a minority" means an individual who is a member of a race that comprises less than fifty percent (50%) of the total population of the state;

(16) "Minority-owned business" means a business that is owned by:

(A) An individual who is a member of a minority who reports as his or her personal income for Arkansas income tax purposes the income of the business;

(B) A partnership in which a majority of the ownership interest is owned by one (1) or more members of a minority who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the income of the partnership; or

(C) A corporation organized under the laws of this state in which a majority of the common stock is owned by one (1) or more members of a minority who report as their personal income for Arkansas income tax purposes more than fifty percent (50%) of the distributed earnings of the corporation;

(17) "Net proceeds" means lottery proceeds less operating expenses;

(18) "Nonlottery state educational resources" means the same as defined in § 6-85-204;

(19) "Operating expenses" means all costs of doing business, including without limitation:

- retailers;
- (A) Prizes, commissions, and other compensation paid to
- (B) Contracts for products or services necessary for the operation of the lottery, including without limitation the execution of major procurement contracts;
- (C) Advertising and marketing costs;
- (D) Personnel costs;
- (E) Capital costs or depreciation of property and equipment;
- (F) Funds for compulsive gambling education and treatment;
- (G) The payment of sums to the Arkansas State Claims Commission for the reconciliation of valid claims against the Arkansas Lottery Commission;
- (H) Payments for the cost of a state and federal criminal background check;
- (I) Payments to the Department of Higher Education to:
- (i) Reimburse the Department of Higher Education for the costs of administering scholarship awards funded with net proceeds; and
- (ii) Replenish nonlottery state educational resources expended by the Department of Higher Education on scholarship awards otherwise funded with net proceeds;
- (J) Amounts annually transferred to a fidelity fund under § 23-115-603; and
- (K) Amounts paid to governmental entities for goods or services provided to the Arkansas Lottery Commission, including without limitation services provided by the Division of Legislative Audit;
- (20) "Person" means any individual, corporation, partnership, unincorporated association, or other legal entity;
- (21)(A) "Public official" means a member of the General Assembly or an elected constitutional officer.
- (B) "Public official" includes an individual during the time between the date he or she is elected and the date he or she takes office;
- (22) "Retailer" means a person who sells tickets or shares on behalf of the Arkansas Lottery Commission under a license;
- (23) "Share" means any intangible evidence of participation in a lottery;
- (24) "Ticket" means any tangible evidence issued by a lottery to provide participation in a lottery;
- (25)(A) "Vendor" means a person who provides or proposes to provide goods or services to the Arkansas Lottery Commission under a major procurement contract.
- (B) "Vendor" does not include:
- (i) An employee of the Arkansas Lottery Commission;
- (ii) A retailer; or
- (iii) A state agency or instrumentality.
- (C) "Vendor" includes a corporation whose stock is publicly traded and that is the parent company of the contracting party in a major procurement contract; and
- (26) "Video lottery" means a lottery game that allows a game to be played using an electronic computer and an interactive computer terminal device:
- (A) That is equipped with a video screen and keys and a keyboard or other equipment allowing input by an individual player;
- (B) Into which the player inserts coins, currency, vouchers, or tokens as consideration in order for play to be available; and
- (C) Through which the player may receive free games, coins, tokens, or credits that may be redeemed for cash, annuitized payments over time, a noncash prize, or nothing, as may be determined wholly or predominantly by chance.

SUBCHAPTER 2  
ARKANSAS LOTTERY COMMISSION

23-115-201. Arkansas Lottery Commission – Creation – Venue.

(a) There is created the Arkansas Lottery Commission to establish and oversee the operation of one (1) or more lotteries under this chapter.

(b) The commission is a self-supporting and revenue-raising agency of the state.

(c) The commission shall reimburse other governmental entities that provide goods or services to the commission.

23-115-202. Members – Duties.

(a)(1) The Arkansas Lottery Commission consists of the following members:

(A) Three (3) members appointed by the Governor;

(B) Three (3) members appointed by the Speaker of the House of Representatives; and

(C) Three (3) members appointed by the President Pro Tempore of the Senate.

(2) The members of the commission shall elect annually:

(A) A chair; and

(B) Other officers necessary to carry on its business.

(b)(1) Of the initial appointees to the commission by the Governor:

(A) One (1) member shall serve a term of two (2) years;

(B) One (1) member shall serve a term of four (4) years; and

(C) One (1) member shall serve a term of six (6) years.

(2) Of the initial appointees to the commission by the President Pro Tempore of the Senate:

(A) One (1) member shall serve a term of two (2) years;

(B) One (1) member shall serve a term of four (4) years; and

(C) One (1) member shall serve a term of six (6) years.

(3) Of the initial appointees to the commission by the Speaker of the House of Representatives:

(A) One (1) member shall serve a term of two (2) years;

(B) One (1) member shall serve a term of four (4) years; and

(C) One (1) member shall serve a term of six (6) years.

(4) All succeeding appointments to the commission shall be for terms of six (6) years.

(5) The appointing authorities shall determine the length of terms of the initial members of the commission.

(6) A member of the commission shall not serve more than two (2) terms.

(c) A vacancy on the commission shall be filled by the appointing authority for the unexpired portion of the term in which it occurs.

(d)(1) The commission shall meet at least quarterly upon the call of the chair.

(2) A majority of the total membership of the commission constitutes a quorum.

(e) The following shall not be appointed as a member of the commission:

(1) A member of the General Assembly; or

(2) A member of the immediate family of a member of the General Assembly.

(f) Members of the commission may receive expense reimbursement under § 25-16-901 et seq.

23-115-203. Qualifications of commission members.

(a)(1) In making appointments to the Arkansas Lottery Commission, the appointing authorities under § 23-115-202 shall consider racial, gender, and geographical diversity among the membership as well as legal, financial, or marketing experience.

(2) Individuals appointed to the commission shall be residents of the State of Arkansas.

(b)(1) An individual considered for appointment to the commission shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

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

(3) The applicant shall sign a consent to the release of information for the state and federal criminal background check.

(4) The commission shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the appointing authority all releasable information obtained concerning the applicant.

(c) An individual shall not be appointed as a commission member if the individual has:

(1) Been convicted of a felony or a gambling offense in a state or federal court of the United States;

(2) Been convicted of a crime involving moral turpitude; or

(3) Entered into a plea agreement to avoid felony prosecution.

(d) Each member of the commission, before entering upon the discharge of the duties of a commissioner, shall file with the Secretary of State the constitutional oath of office.

(e) Upon the end of his or her term, a former member of the commission shall not:

(1) Represent a vendor or retailer before the commission for a period of two (2) years after the end of the former member's term; or

(2) Engage in lobbying on any matter related to the operation or conduct of lotteries under this chapter for a period of two (2) years after the end of the former member's term.

#### 23-115-204. Lottery Retailer Advisory Board.

(a)(1) The Chair of the Arkansas Lottery Commission, subject to the approval of a majority of a quorum of the Arkansas Lottery Commission, shall appoint a Lottery Retailer Advisory Board to be composed of ten (10) retailers.

(2) In making appointments to the board, the chair may consider a broad spectrum of geographical, racial, gender, and business characteristics of retailers.

(3) The board shall advise the commission on retail aspects of lotteries and present the concerns of retailers throughout the state.

(b)(1) Except as provided in subdivision (b)(2) of this section, each member appointed to the board shall serve a term of two (2) years.

(2)(A) Five (5) of the initial appointees shall serve initial terms of one (1) year.

(B) The initial appointees shall draw lots to determine which five (5) members shall serve a one-year term.

(3) A member of the board shall not serve more than six (6) terms.

(c)(1) The board shall provide by rule for its operating procedures.

(2) Members shall serve without compensation or reimbursement of expenses.

(3) The board may report to the commission and the Arkansas Lottery Commission Legislative Oversight Committee in writing at any time.

(4) The commission may invite the board to make an oral presentation to the commission at any meeting of the commission.

(d) The following shall not be appointed as a member of the board:

- (1) A member of the immediate family of a member of the commission;
- (2) A member of the immediate family of the director of the commission; or
- (3) A member of the immediate family of an employee of the commission.

23-115-205. Commission powers.

(a) The Arkansas Lottery Commission has all powers necessary or convenient to its usefulness in carrying out this chapter that are not in conflict with the Arkansas Constitution or the United States Constitution, including without limitation the following powers:

- (1) To adopt and alter a seal;
- (2) To adopt, amend, and repeal rules for the regulation of its affairs and the conduct of its business, to prescribe the duties of officers and employees of the commission, and to perform other matters as the commission determines;
- (3) To bring suits to enforce demands of the state under this chapter;
- (4) To procure or to provide insurance;
- (5) To hold copyrights, trademarks, and service marks and enforce the commission's rights with respect to those copyrights, trademarks, and service marks;
- (6) To initiate, supervise, and administer the operation of lotteries in accordance with this chapter and rules adopted under this chapter;
- (7) To enter into written agreements with one (1) or more other states or sovereigns for the operation, participation in marketing, and promotion of multistate or multisovereign games;
- (8) To conduct market research as necessary or appropriate;
- (9) To acquire or lease real property and make improvements to the real property and acquire by lease or by purchase personal property, including without limitation:
  - (A) Computers;
  - (B) Mechanical, electronic, and online equipment and terminals;
  - (C) Intangible property, including without limitation computer programs, computer systems, and computer software; and
  - (D) Broadcast equipment;
- (10) To administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence relative to any investigation or proceeding conducted by the commission;
- (11) To employ:
  - (A) The Director of the Arkansas Lottery Commission; and
  - (B) An internal auditor;
- (12) To select and contract with vendors;
- (13) To select and license retailers;
- (14) To enter into contracts or agreements with state or local law enforcement agencies for the performance of law enforcement, background investigations, and security checks;
- (15) To conduct background investigations and, if considered necessary by the commission, credit investigations on each potential vendor and retailer;
- (16) To supervise ticket or share validation and lottery drawings;
- (17) To inspect at times determined solely by the commission the facilities of a vendor or a retailer to determine:

(A) The integrity of the vendor's product or the operations of the retailer; and

(B) Whether the vendor or the retailer is in compliance with its contract or license;

(18) To report any suspected violation of this chapter to the appropriate prosecuting attorney or the Attorney General and to any law enforcement agencies having jurisdiction over the violation;

(19) Upon request, to provide assistance to the Chief Fiscal Officer of the State, the Legislative Auditor, the appropriate prosecuting attorney, the Attorney General, or a law enforcement agency investigating a violation of this chapter;

(20) To enter into contracts of terms and conditions that the commission determines;

(21) To establish and maintain banking relationships associated with the maintenance and investment of lottery proceeds, including without limitation the establishment of checking and savings accounts and trust funds;

(22)(A) To advertise and promote lotteries and scholarships and grants funded by net proceeds.

(B) The commission shall seek the advice of the Department of Higher Education when advertising to promote scholarships and grants funded by net proceeds;

(23) To approve, disapprove, amend, or modify the budget recommended by the director for the operation of the commission;

(24) To act as a retailer and to establish and operate a sales facility to conduct promotions that involve the sale of tickets or shares and any related merchandise;

(25)(A) To contract with one (1) or more independent testing laboratories to scientifically test and technically evaluate lottery games, lottery terminals, and lottery operating systems.

(B) An independent testing laboratory shall:

(i) Have a national reputation that is demonstrably competent; and

(ii) Be qualified to scientifically test and evaluate all components of a lottery game, lottery terminal, or lottery operating system.

(C) An independent testing laboratory shall not be owned or controlled by a vendor or a retailer; and

(26) To adopt and amend rules necessary to carry out and implement its powers and duties, organize and operate the commission, regulate the conduct of lotteries in general, and any other matters necessary or desirable for the efficient and effective operation of lotteries for the convenience of the public.

(b) The powers enumerated in subsection (a) of this section:

(1) Are in addition to those powers of the commission enumerated elsewhere in this chapter; and

(2) Do not limit or restrict any other powers of the commission.

(c) The commission may delegate to one (1) or more of its members, to the director, or to any agent or employee of the commission powers and duties as it deems proper.

#### 23-115-206. Internal controls – Annual audit.

(a) To ensure the financial integrity of lotteries, the Arkansas Lottery Commission shall:

(1) Establish and maintain effective internal controls over financial reporting, including the monitoring of ongoing activities, and comply with the Arkansas Constitution and applicable laws, rules, contracts, agreements, and grants;

(2) Establish and maintain effective internal controls to prevent and detect fraud, including without limitation a system of internal audits;

(3) Include in any contract or license with a vendor or retailer for data processing services or other computer services a provision permitting the Division of Legislative Audit to have access and authority to audit the computer systems of the vendor or retailer;

(4) Notify the division of all known fraud or suspected fraud or all known or suspected illegal acts involving management or other employees of the commission or others with whom the commission contracts;

(5) Inform the division and the Chief Fiscal Officer of the State of any known material violations of the Arkansas Constitution, applicable statutes, rules, contracts, agreements, or grants;

(6) Prepare the financial statements, including the related notes to the financial statements, of the commission in accordance with generally accepted accounting principles and in accordance with guidelines and timelines established by the Chief Fiscal Officer of the State to permit incorporation into the state's financial statements and to permit the audit of the state's financial statements and the commission's financial statements in a timely manner;

(7) Make all financial records and related information available to the division, including the identification of significant vendor relationships in which the vendor has the responsibility for program compliance, in accordance with §§ 10-4-416 and 10-4-424;

(8)(A) Submit monthly and annual reports to the Governor and the Arkansas Lottery Commission Legislative Oversight Committee disclosing the total lottery revenues, prize disbursements, operating expenses, net assets, and administrative expenses of the commission during the reporting period.

(B)(i) The initial annual report shall describe the organizational structure of the commission and summarize the functions performed by each organizational division within the commission.

(ii) Future annual reports shall describe any revisions to the organizational structure since the filing of the previous annual report;

(9) Maintain weekly or more frequent records of lottery transactions, including without limitation:

(A) The distribution of tickets or shares to retailers;

(B) Revenues received;

(C) Claims for lottery prizes;

(D) Lottery prizes paid;

(E) Lottery prizes forfeited; and

(F) Other financial transactions of the commission;

(10)(A) Submit to the Cochairs of the Arkansas Lottery Commission Legislative Oversight Committee by April 30 of each year a copy of the annual operating budget for the commission for the next fiscal year.

(B) The proposed operating budget shall be accompanied by:

(i) An estimate of the net proceeds to be available for scholarships and grants during the succeeding fiscal year; and

(ii) The following information for each employment classification:

(a) The total number of persons currently employed;

(b) The number of white male employees;

(c) The number of white female employees;

(d) The total number of Caucasian employees;

(e) The number of black male employees;

(f) The number of black female employees;

(g) The number of other employees who are members of racial minorities; and

(h) The total number of minorities currently employed; and

(11) Adopt the same fiscal year as that used by state government.

(b)(1)(A) The division shall annually audit the commission.

(B) The division may conduct an investigation or audit or prepare special reports regarding the commission or related entities, scholarships, grants, vendors, retailers, or any other transactions or relationships connected or associated with the commission or its operations, duties, or functions upon the approval of the Legislative Joint Auditing Committee.

(2) The commission shall reimburse the division at an hourly rate set by the Legislative Joint Auditing Committee for work performed by the division relating to any audit, investigation, or special report regarding the commission and related entities, scholarships, grants, vendors, retailers, or other related matters.

(3)(A) If the commission, the General Assembly, the Arkansas Lottery Commission Legislative Oversight Committee, or the Legislative Joint Auditing Committee requests additional audits or performance reviews of the fiscal affairs or operations of the commission to be conducted by a private certified public accountant or other consultant, the division shall select and contract with appropriate certified public accountants or consultants to provide the services.

(B) The division shall contract for the services which shall be paid directly to the contractor by the commission.

(C) A copy of any report or management correspondence prepared by the certified public accountants or consultants shall be forwarded to the commission, the division, and the Arkansas Lottery Commission Legislative Oversight Committee.

(4) This chapter does not limit the statutory authority of the division or the responsibilities of the commission or related entities, board members, employees, vendors, retailers, or any other individuals or entities to cooperate with the division or provide information or records requested by the division.

#### 23-115-207. Rulemaking.

(a) The Arkansas Lottery Commission may adopt rules regulating the conduct of lotteries in general, including without limitation rules specifying:

(1) The types of lotteries to be conducted;

(2)(A) The sale price of tickets or shares and the manner and method of sale.

(B)(i) All sales of tickets or shares are for cash only.

(ii) Payment by checks, credit cards, charge cards, or any form of deferred payment is prohibited;

(3) The number and amount of prizes;

(4) The method and location of selecting or validating winning tickets or shares;

(5) The manner and time of payment of prizes, including without limitation lump-sum payments or installments over a period of years;

(6)(A) The manner of payment of prizes to the holders of winning tickets or shares.

(B) Winners of five hundred dollars (\$500) or less may claim prizes from any of the following:

(i) A retailer; or

(ii) The commission.

(C)(i) Winners of more than five hundred dollars (\$500) shall claim prizes from the commission.

(ii) The commission may establish claim centers throughout the state as it deems necessary;

(7) The frequency of lotteries and drawings or selection of winning tickets or shares;

(8) The means of conducting drawings;

(9)(A) The method to be used in selling tickets or shares.

(B) The selling of tickets or shares may include the use of electronic or mechanical devices.

(C) If the commission elects to use electronic or mechanical devices to sell tickets or shares, the commission shall provide by rule:

(i) Specifications and required features for electronic or mechanical devices that may be used to sell tickets or shares; and

(ii) Procedures and requirements to prevent the use of electronic or mechanical devices by an individual under eighteen (18) years of age.

(D) A retailer who knowingly allows a person under eighteen (18) years of age to purchase a lottery ticket from an electronic or mechanical device is subject to the penalties under § 23-115-901;

(10) The manner and amount of compensation to retailers; and

(11) Any other matters necessary, desirable, or convenient toward ensuring the efficient and effective operation of lotteries, the continued entertainment and convenience of the public, and the integrity of the lotteries.

(b) The commission may adopt rules requiring the publication on a ticket or share of the odds of winning a particular lottery game.

(c)(1)(A) Except as provided in subdivision (c)(1)(B) of this section, the promulgation of rules under this chapter shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(B) The commission shall not be required to file rules under § 10-3-309.

(2)(A) The promulgation of rules by the commission shall be exempt from § 10-3-309.

(B) The commission shall file its rules with the Arkansas Lottery Commission Legislative Oversight Committee for review at least thirty (30) days before the expiration of the public comment period.

23-115-208. Sovereign immunity.

(a) This chapter does not waive the sovereign immunity of the State of Arkansas.

(b)(1) A claim in contract or in tort against the Arkansas Lottery Commission or its employees shall be presented to the Arkansas Lottery Commission.

(2) The Arkansas Lottery Commission shall promulgate rules concerning the consideration of claims in contract or in tort presented to the Arkansas Lottery Commission, including without limitation rules concerning the conduct of hearings on claims in contract or in tort.

(c)(1) A claimant may appeal the decision of the commission under subsection (b) of this section to the Arkansas State Claims Commission.

(2) The claimant may:

(A) Within forty (40) days after the decision is rendered, file with the Arkansas State Claims Commission a notice of appeal of the decision of the Arkansas Lottery Commission;

(B) Within forty (40) days after the decision is rendered, file with the Arkansas Lottery Commission a motion for reconsideration requesting the Arkansas Lottery Commission to reconsider its decision; and

(C) Within twenty (20) days after Arkansas Lottery Commission's reconsideration or denial of the motion for reconsideration, file with the Arkansas State Claims Commission a notice of appeal of the decision of the Arkansas Lottery Commission.

(3) When the Arkansas Lottery Commission notifies parties of a decision of the Arkansas Lottery Commission, it shall advise the parties of the right of appeal.

(d)(1)(A) Except as provided in subdivisions (d)(2)-(4) of this section, appeals of claims in contract or in tort against the Arkansas Lottery Commission or its employees shall be conducted by the Arkansas State Claims Commission in the same manner as a claim under § 19-10-201 et seq.

(B) The Arkansas State Claims Commission shall consider an appeal de novo.

(2) A decision of the Arkansas State Claims Commission relating to a claim in contract or in tort against the Arkansas Lottery Commission or its employees shall not be appealed to the General Assembly.

(3)(A) A valid claim in any amount against the Arkansas Lottery Commission shall not be referred to the General Assembly for an appropriation.

(B) The Clerk of the State Claims Commission shall notify the Arkansas Lottery Commission of the amount of the valid claim.

(C) Upon receipt of notification from the clerk, the Arkansas Lottery Commission shall deliver a check to the clerk, who shall deposit the sum as a nonrevenue receipt into the Miscellaneous Revolving Fund from which he or she shall disburse the amount of the claim to the claimant.

(4) Written reports under § 19-10-212 shall be filed with the Arkansas Lottery Commission Legislative Oversight Committee.

23-115-209. Appealing administrative orders of the commission.

(a) A retailer, a vendor, or an applicant for a major procurement contract or a retailer license aggrieved by an administrative order of the Arkansas Lottery Commission may appeal that decision to Pulaski County Circuit Court.

(b) The court shall hear appeals from administrative orders of the commission, and based upon the record of the proceedings before the commission, may reverse the administrative order of the commission only if the person appealing the administrative order proves the administrative order to be:

(1) Clearly erroneous;

(2) Arbitrary and capricious;

(3) Procured by fraud;

(4) A result of substantial misconduct by the commission; or

(5) Contrary to the United States Constitution, the Arkansas Constitution, or this chapter.

(c) The circuit court may remand an appeal to the commission to conduct further hearings.

(d)(1) A person who appeals the award of a contract, including without limitation a major procurement contract, is liable for all costs of appeal and defense if the appeal is denied or the contract award upheld.

(2) If upon the motion of the commission the court finds the appeal to have been frivolous, the cost of appeal and defense shall include without limitation the following expenses of the commission resulting from institution of the appeal:

(A) Court costs;

(B) Bond;

(C) Legal fees; and

(D) Loss of income.

23-115-210. Removal of commission member.

(a)(1) A member of the Arkansas Lottery Commission may be removed by the appointing authority for:

(A) Misconduct;

(B) Incompetence; or

(C) Any malfeasance in office.

(2) The appointing authority shall appoint a qualified individual to replace the removed member of the commission to serve the remainder of his or her term.

(b) An order of removal of a commission member by the appointing authority shall:

(1) Be in writing;

(2) Be delivered to the removed commission member or counsel for the removed commission member; and

(3) Specifically set out the grounds relied upon for removal.

(c)(1) A removed commission member may institute proceedings for review by filing a petition in Pulaski County Circuit Court within thirty (30) days after delivery to him or her or his or her attorney of the appointing authority's order of removal.

(2) This petition shall not supersede or stay the order of removal, nor shall any court enter an order to this effect or one that would impair the authority of the appointing authority to appoint a commission member whose service begins immediately upon fulfillment of the normal requirements for assuming office.

(d)(1) When the matter is heard by the circuit court, it shall be tried de novo without a jury.

(2) The appointing authority shall have the burden of proof to show by clear and convincing evidence that cause under subdivision (a)(1) of this section existed for removal of the commission member.

(3)(A) If the circuit court determines that cause has been shown, it shall enter an order removing the commission member in question from office.

(B) If the circuit court determines that cause under subdivision (a)(1) of this section has not been shown by clear and convincing evidence, the circuit court shall order the removed commission member reinstated to his or her position and upon request shall award a reasonable attorney's fee and court costs to the reinstated party.

(e)(1) Subject to the restrictions of subsection (c) of this section on supersedeas or stay orders, a removed commission member may appeal the decision of the circuit court to the Supreme Court.

(2) The appointing authority may appeal the decision of the circuit court to the Supreme Court, but the appeal shall not preclude the circuit court, in its discretion, from entering an order reinstating the removed member.

(f) A commission action in which the appointed replacement commission member participates is not void, voidable, or in any way subject to invalidation on grounds of participation of the appointed replacement commission member or lack of participation by the removed commission member if the circuit court or the Supreme Court orders the removed commission member reinstated.

#### 23-115-211. Certain sections inapplicable.

The following sections shall not apply the Arkansas Lottery Commission:

- (1) Section 19-1-211;
- (2) Section 19-1-301 et seq.;
- (3) Section 19-1-609;
- (4) Section 19-4-1802;
- (5) Section 19-5-206; and
- (6) Section 19-11-301 et seq.

### SUBCHAPTER 3 EMPLOYEES OF ARKANSAS LOTTERY COMMISSION

#### 23-115-301. Director – Appointment – Duties.

(a)(1)(A) The Arkansas Lottery Commission shall appoint the Director of the Arkansas Lottery Commission.

(B) The director is an employee of the commission and shall direct the day-to-day operations and management of the commission.

(2) The director is vested with powers and duties as specified by the commission and by law.

(3) The director serves at the pleasure of the commission.

(b)(1) An individual considered for appointment as director shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

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

(3) The applicant shall sign a consent to the release of information for the state and federal criminal background check.

(4) The commission shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the commission all releasable information obtained concerning the applicant.

(c) The commission shall not employ as director an individual who has:

(1) Been convicted of a felony or a gambling offense in a state or federal court of the United States;

(2) Been convicted of a crime involving moral turpitude; or

(3) Entered into a plea agreement to avoid felony prosecution.

#### 23-115-302. Duties of director.

(a) The Director of the Arkansas Lottery Commission shall direct and supervise all administrative and technical activities related to the operation of a lottery in accordance with this chapter and with rules adopted by the Arkansas Lottery Commission.

(b) The director shall:

(1) Facilitate the initiation and supervise and administer the operation of the lotteries;

(2) Direct personnel as deemed necessary;

(3) Employ and compensate persons and firms as deemed necessary;

(4) Appoint, select, and employ officers, agents, and employees, including professional and administrative staff and personnel and hearing officers, and fix their compensation and pay their expenses as authorized by Arkansas law;

(5) Promote or provide for the promotion of lotteries and any functions related to the operation of a lottery;

(6) Prepare a budget for the approval of the commission;

(7) Require bond from retailers and vendors in amounts as required by the commission;

(8) Report monthly to the commission and the Arkansas Lottery Commission Legislative Oversight Committee a complete statement of lottery revenues and expenses for the preceding month and an accompanying statement of net assets; and

(9) Perform other duties generally associated with a director of a commission of an entrepreneurial nature.

(c) The director may for good cause suspend, revoke, or refuse to renew any contract or license entered into in accordance with this chapter and the rules of the commission.

(d) The director or his or her designee may conduct hearings and administer oaths to persons to assure the security and integrity of lottery operations or to determine the qualifications of or compliance by vendors and retailers.

#### 23-115-303. Employees – Background investigation.

(a) As required by Arkansas Constitution Article 16, § 4, the General Assembly shall fix the salaries of all employees of the Arkansas Lottery Commission, including without limitation the Director of the Arkansas Lottery Commission.

(b) A commission employee shall not have a financial interest in a vendor doing business or proposing to do business with the commission.

(c) A commission employee with decision-making authority shall not participate in a decision involving a retailer with whom the commission employee has a financial interest.

(d)(1) A commission employee who leaves the employment of the commission shall not:

(A) Represent a vendor or retailer before the commission for a period of two (2) years after leaving the employment of the commission; or

(B) Engage in lobbying on any matter related to the operation or conduct of a lottery for a period of two (2) years after leaving the employment of the commission.

(2)(A) Subdivision (d)(1) of this section is supplemental to § 19-11-701 et seq.

(B) If any provision of § 19-11-701 et seq. would impose a restriction on a specific employee greater than the restrictions under subdivision (d)(1) of this section, the provision of § 19-11-701 et seq. shall apply.

(e)(1) Each person considered for employment by the commission shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

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

(3) The applicant shall sign a consent to the release of information for the state and federal criminal background check.

(4) The commission shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the commission all releasable information obtained concerning the applicant.

(f) The commission shall not employ an individual who has:

(1) Been convicted of a felony or a gambling offense in a state or federal court of the United States;

(2) Been convicted of a crime involving moral turpitude; or

(3) Entered into a plea agreement to avoid felony prosecution.

(g)(1) The commission shall bond a commission employee with access to commission funds or lottery revenue in an amount as provided by the commission and may bond other commission employees as deemed necessary.

(2) Bonds under subdivision (g)(1) of this section shall be fidelity bonds in excess of the amount provided by the Governmental Bonding Board.

23-115-304. Commission employees – Participation in Arkansas Public Employees' Retirement System.

(a) Employees of the Arkansas Lottery Commission shall be members of the Arkansas Public Employees' Retirement System.

(b) A commission employee's salary for retirement purposes shall be the amount determined by the commission as authorized by the General Assembly and shall not include any multipliers used to increase a person's salary as authorized by the General Assembly.

23-115-305. Regular salaries.

There is hereby established for the Arkansas Lottery Commission the following regular employees, the grades to be assigned to the respective positions, and the maximum annual salaries for each such position. The maximum annual salary for the positions assigned to grades shall be determined in accordance with, but shall not exceed, the maximum annual amount for the grade assigned herein, as established in § 21-5-209. Except for the purpose of determining the maximum annual salary rate, which is to be applicable to each of the positions to which a salary grade is assigned hereinafter, in accordance with § 21-5-209, all positions set forth herein shall be exempt from other provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., or its successor, but shall not be exempt from the provisions of the Regular Salaries Procedures and Restrictions Act, § 21-5-101 et seq. or its successor.

<u>Item</u>	<u>Class</u>	<u>Maximum</u>	<u>Maximum Annual</u>
<u>No.</u>	<u>Code Title</u>	<u>No. of</u>	<u>Salary Rate</u>
		<u>Employees</u>	
<u>(01)</u>	<u>LOTTERY CMSN EXECUTIVE DIRECTOR</u>	<u>1</u>	<u>\$141,603</u>
<u>(02)</u>	<u>LOTTERY CMSN INTERNAL AUDITOR</u>	<u>1</u>	<u>\$141,603</u>
<u>(03)</u>	<u>LOTTERY CMSN CHIEF OPERATING OFFICER</u>	<u>1</u>	<u>\$126,050</u>
<u>(04)</u>	<u>LOTTERY CMSN INFORMATION TECH DIR</u>	<u>1</u>	<u>GRADE N912</u>
<u>(05)</u>	<u>LOTTERY CMSN ADMIN &amp; OPERATIONS DIR</u>	<u>1</u>	<u>GRADE N912</u>
<u>(06)</u>	<u>LOTTERY CMSN CHIEF LEGAL COUNSEL</u>	<u>1</u>	<u>GRADE N910</u>
<u>(07)</u>	<u>LOTTERY CMSN CHIEF FISCAL OFFICER</u>	<u>1</u>	<u>GRADE N910</u>
<u>(08)</u>	<u>LOTTERY CMSM MARKETING &amp; PROD DEV DIR</u>	<u>1</u>	<u>GRADE N909</u>
<u>(09)</u>	<u>LOTTERY CMSN SALES/RETAIL RELATIONS DIR</u>	<u>1</u>	<u>GRADE N909</u>
<u>(10)</u>	<u>LOTTERY CMSN PROCUREMENT DIRECTOR</u>	<u>1</u>	<u>GRADE N908</u>
<u>(11)</u>	<u>LOTTERY CMSN ADMIN ANALYST</u>	<u>2</u>	<u>GRADE C115</u>
<u>(12)</u>	<u>LOTTERY CMSN ADMIN SUPPORT SUPERVISOR</u>	<u>2</u>	<u>GRADE C113</u>
<u>(13)</u>	<u>LOTTERY CMSN ADMIN SUPPORT SPEC III</u>	<u>6</u>	<u>GRADE C112</u>

23-115-306. Special salary allowances.

(a) The Arkansas Lottery Commission, upon approval of the Arkansas Lottery Commission Legislative Oversight Committee, may make special salary allowances authorized by this section in amounts as the commission may determine equitable in view of the exacting duties which are involved as a part of the salary of the:

- (1) Executive Director of the Arkansas Lottery Commission;
- (2) Internal auditor of the commission; and
- (3) Chief operating officer of the commission.

(b) An allowance under subsection (a) of this section shall not exceed an amount equal to two and one half (2 1/2) times the salary for the position authorized by the General Assembly.

23-115-307. Expansion pool.

(a) The Arkansas Lottery Commission is authorized an expansion pool of sixty (60) positions not to exceed the career service grade C130 and fifteen (15) positions not to exceed the professional and executive grade N922 to be used to establish additional positions of the proper title and salary if the commission does not have sufficient positions available to address growth needs.

(b) A position established under this section shall not exceed a salary rate in excess of the highest rate established by grade or by line item in this act.

(c) A position shall not be authorized from the expansion pool until the specific positions that are requested by the commission are reviewed by the Arkansas Lottery Commission Legislative Oversight Committee.

(d) When seeking review of positions by the Arkansas Lottery Commission Legislative Oversight Committee under this section, the commission shall provide an organizational chart indicating the current structure of the commission and its employees.

(e)(1) The requirement of review by the committee prior to authorizing positions from the expansion pool is not a severable part of this section.

(2) If the requirement of review by the committee is ruled unconstitutional by a court of competent jurisdiction, this section is void.

#### SUBCHAPTER 4 OPERATION OF LOTTERY

##### 23-115-401. Minority-owned and female-owned businesses.

(a) It is the intent of the General Assembly that the Arkansas Lottery Commission encourage participation by minority-owned businesses and female-owned businesses.

(b) The commission shall adopt a plan that encourages to the greatest extent possible a level of participation by minority-owned businesses and female-owned businesses taking into account the total number of all retailers and vendors, including any subcontractors.

(c) The commission shall provide training programs and other educational activities to encourage minority-owned businesses and female-owned businesses to compete for contracts on an equal basis.

(d) The commission shall employ procurement officials to assist prospective vendors and retailers with entering into and competing for contracts, including without limitation the development and implementation of the plans and programs under subsections (b) and (c) of this section.

(e) The commission shall monitor the results of minority-owned business and female-owned business participation and shall report the results of minority-owned business and female-owned business participation to the Governor and the Arkansas Lottery Commission Legislative Oversight Committee on at least an annual basis.

##### 23-115-402. Restriction on sales.

(a)(1) Unless authorized to do so in writing by the Director of the Arkansas Lottery Commission, a person shall not sell a ticket or share at a price other than established by the Arkansas Lottery Commission.

(2)(A) Only a retailer holding a valid certificate of authority from the commission shall sell a ticket.

(B) This subsection does not prevent an individual who may lawfully purchase tickets or shares from making a gift of tickets or shares to another individual.

(b) This chapter does not prohibit the commission from designating certain of its agents and employees to sell or give tickets or shares directly to the public.

(c) Subject to prior approval by the commission, retailers may give away tickets or shares as a means of promoting goods or services to customers or prospective customers.

(d) A retailer shall not sell a ticket or share except from the locations evidenced by the retailer's license issued by the commission unless the commission authorizes in writing any temporary location not listed in the retailer's license.

(e)(1) Tickets or shares shall not be sold or given to individuals under eighteen (18) years of age.

(2) An individual under eighteen (18) years of age is not eligible to win a lottery prize.

(f) An individual is not eligible to win a lottery prize while the individual is incarcerated in:

- (1) The Department of Correction;
- (2) The Department of Community Correction; or
- (3) A county or municipal jail or detention facility.

23-115-403. Attachments, garnishments, or executions withheld from lottery prizes – Validity of tickets or shares – Lottery prize restrictions – Unclaimed lottery prizes.

(a) Proceeds of a lottery prize are subject to Arkansas state income tax.

(b)(1) Except as otherwise provided in this chapter, attachments, garnishments, or executions authorized and issued under Arkansas law shall be withheld if timely served upon the Arkansas Lottery Commission.

(2) Subdivision (b)(1) of this section does not apply to a retailer.

(c) The commission shall adopt rules to establish a system of verifying the validity of tickets or shares claimed to win lottery prizes and to effect payment of lottery prizes, except that:

(1)(A) A lottery prize, any portion of a lottery prize, or any right of any individual to a lottery prize is not assignable.

(B) A lottery prize or any portion of a lottery prize remaining unpaid at the death of a lottery prize winner shall be paid to the estate of the deceased lottery prize winner or to the trustee of a trust established by the deceased lottery prize winner as settlor if:

(i) A copy of the trust document or instrument has been filed with the commission along with a notarized letter of direction from the settlor; and

(ii) No written notice of revocation has been received by the commission before the settlor's death.

(C) Following a settlor's death and before any payment to a successor trustee, the commission shall obtain from the trustee a written agreement to indemnify and hold the commission harmless with respect to any claims that may be asserted against the commission arising from payment to or through the trust.

(D) Under an appropriate judicial order, an individual shall be paid the lottery prize to which a winner is entitled;

(2) A lottery prize shall not be paid arising from claimed tickets that are:

(A) Stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not received, or not recorded by the commission within applicable deadlines;

(B) Lacking in captions that conform and agree with the play symbols as appropriate to the particular lottery involved; or

(C) Not in compliance with rules and public or confidential validation and security tests of the commission appropriate to the particular lottery involved;

(3)(A) A particular lottery prize in any lottery shall not be paid more than one (1) time.

(B) If there is a determination that more than one (1) claimant is entitled to a particular lottery prize, the sole remedy of the claimants is the award to each of them of an equal share in the lottery prize;

(4)(A) Within one hundred eighty (180) days after the drawing in which a cash lottery prize has been won, a holder of a winning cash ticket or share from an Arkansas lottery or from a multistate or multisovereign lottery shall claim the cash lottery prize.

(B)(i) In an Arkansas lottery in which a player may determine instantly if he or she has won or lost, a player who has won shall claim a cash lottery prize within ninety (90) days after the playing of the instant game.

(ii) In any multistate or multisovereign lottery in which a player may determine instantly if he or she has won or lost, a player who has won shall claim a cash lottery prize within one hundred eighty (180) days after the playing of the instant game.

(C) If a valid claim is not made for a cash lottery prize within the applicable period, the cash lottery prize constitutes an unclaimed lottery prize for purposes of this section.

(D) The commission at any time may alter the time periods under subdivisions (4)(A) and (B) of this section by rule; and

(5)(A) If practicable, an auditor chosen by the commission shall be present at a draw to determine the winners of a draw game to verify the accuracy of the results.

(B) The commission may select an auditor employed by the Division of Legislative Audit for the purposes of subdivision (c)(5) of this section.

(d)(1) A lottery prize shall not be paid upon a ticket or share purchased or sold in violation of this chapter.

(2) A lottery prize described in subdivision (d)(1) of this section is an unclaimed lottery prize for purposes of this section.

(e) The commission is discharged of all liability upon payment of a lottery prize.

(f)(1) A ticket or share shall not be purchased by and a lottery prize shall not be paid to any:

(A) Member of the commission;

(B) Employee of the commission; or

(C) Member of the immediate family of a member of the commission or an employee of the commission.

(2) If an officer, employee, agent, or subcontractor of a vendor has access to confidential information that may compromise the integrity of a lottery, a ticket or share shall not be purchased by and a lottery prize shall not be paid to the:

(A) Officer, employee, agent, or subcontractor of the vendor; or

(B) Immediate family of the officer, employee, agent, or subcontractor of the vendor.

(g)(1) Unclaimed prize money is not net lottery proceeds.

(2)(A) An annual amount of at least two hundred thousand dollars (\$200,000) shall be directed to the Department of Health for the treatment of compulsive gambling disorder and educational programs related to compulsive gambling disorder.

(B) As part of its regulation of public health, the State Board of Health may promulgate rules to implement subdivision (g)(2)(A) of this section, including without limitation the creation of:

(i) Programs for the treatment of compulsive gambling disorder; and

(ii) Educational programs related to compulsive gambling disorder.

(3) Unclaimed lottery prize money remaining after the payment under subdivision (g)(2) of this section shall be:

(A) Added to the pool from which future lottery prizes are to be awarded; or

(B) Used for special lottery prize promotions.

23-115-404. Confidential information.

(a)(1) Except as provided in subdivision (a)(2) of this section, the Arkansas Lottery Commission shall comply with the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) The following records or information in the possession of the commission shall be treated as confidential and are exempt from public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.:

(A) Information pertaining to the security of lottery games and lottery operations, including without limitation:

(i) Security measures, systems, or procedures; and

(ii) Security reports; and

(B) Any records exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(b) The Division of Legislative Audit shall have full access to the records of the commission.

23-115-405. Intelligence sharing, reciprocal use, or restricted use agreements.

(a) The Arkansas Lottery Commission may enter into an intelligence sharing, reciprocal use, or restricted use agreement with the United States Government, law enforcement agencies, lottery regulation agencies, and gaming enforcement agencies of other jurisdictions that provide for and regulate the use of information provided and received under the agreement.

(b) Records, documents, and information in the possession of the commission received under subsection (a) of this section are exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq., and shall not be released without the permission of the person or agency providing the records, documents, and information.

23-115-406. Authority of local government.

(a)(1) The authority of local government concerning all matters relating to the operation of lotteries is preempted by this chapter.

(2) Local government shall not take any action, including without limitation the adoption of an ordinance, relating to the operation of lotteries.

(b) This section does not prohibit local government from requiring a retailer to obtain an occupational license for any business unrelated to the sale of tickets or shares.

23-115-407. Video lotteries prohibited.

A video lottery shall not be used as part of a lottery under this chapter.

23-115-408. Video lotteries prohibited.

This chapter does not permit the use of a video lottery for any purposes by any institution or facility governed by the:

(1) Arkansas Horse Racing Law, § 23-110-101 et seq.;

(2) Arkansas Greyhound Racing Law, § 23-111-101 et seq.; or

(3) Local Option Horse Racing and Greyhound Racing Electronic Games of Skill Act, 23-113-101 et seq.

## SUBCHAPTER 5

### VENDORS

23-115-501. Vendors – Requirements when submitting a bid, proposal, or offer – Major procurement contract.

(a) The Arkansas Lottery Commission shall investigate the financial responsibility, security, and integrity of a vendor who is a finalist in submitting a bid, proposal, or offer as part of a major procurement contract.

(b) At the time of submitting a bid, proposal, or offer to the commission, the commission shall require the following items:

(1) A disclosure of the vendor's name and address and, as applicable, the names and addresses of the following:

(A)(i) If the vendor is a corporation, the officers, directors, and each stockholder of more than a ten percent (10%) interest in the corporation.

(ii) However, in the case of owners of equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to own beneficially five percent (5%) or more of the securities need be disclosed;

(B) If the vendor is a trust, the trustee and all persons entitled to receive income or benefits from the trust;

(C) If the vendor is an association, the members, officers, and directors; and

(D) If the vendor is a partnership or joint venture, all of the general partners, limited partners, or joint venturers;

(2) A disclosure of all the states and jurisdictions in which the vendor does business and the nature of the business for each state or jurisdiction;

(3) A disclosure of all the states and jurisdictions in which the vendor has contracts to supply gaming goods or services, including without limitation lottery goods and services, and the nature of the goods or services involved for each state or jurisdiction;

(4)(A) A disclosure of all the states and jurisdictions in which the vendor has applied for, has sought renewal of, has received, has been denied, has pending, or has had revoked a lottery or gaming license of any kind or had fines or penalties assessed to the vendor's license, contract, or operation and the disposition of each instance in each state or jurisdiction.

(B) If any lottery or gaming license or contract has been revoked or has not been renewed or any lottery or gaming license or application has been either denied or is pending and has remained pending for more than six (6) months, all of the facts and circumstances underlying the failure to receive a license shall be disclosed;

(5)(A) A disclosure of the details of any finding or plea, conviction, or adjudication of guilt in a state or federal court of the vendor for any felony or any other criminal offense other than a traffic violation committed by the persons identified under subdivision (b)(1) of this section.

(B)(i) The commission may request that any or all of the persons identified under subdivision (b)(1) of this section undergo a state and federal criminal background check.

(ii) If requested, a state and federal criminal background check shall be conducted in the manner under 23-115-601(e);

(6) A disclosure of the details of any bankruptcy, insolvency, reorganization, or corporate or individual purchase or takeover of another corporation, including without limitation bonded indebtedness, and any pending litigation of the vendor;

(7) A disclosure of the vendor's most recent financial report, including any reports on internal control over financial reporting, and the most recent audit report of the vendor's operation as a service organization; and

(8) Additional disclosures and information that the commission may determine to be appropriate for the procurement involved.

(c) If any portion of a vendor's contract is subcontracted, the vendor shall disclose all of the information required by this section for the subcontractor as if the subcontractor were itself a vendor.

(d)(1) The commission shall not enter into a major procurement contract with a vendor that:

(A) Has not complied with the disclosure requirements described in subsection (b) of this section;

(B) Has been found guilty of a felony related to the security or integrity of a lottery in this or any other jurisdiction; or

(C) Has an ownership interest in an entity that has supplied lottery goods or services under contract to the commission regarding the request for proposals pertaining to those particular goods or services.

(2) The commission may terminate a major procurement contract with a vendor that does not comply with requirements for periodically updating disclosures during the tenure of the major procurement contract as may be specified in the major procurement contract.

(3) This section shall be construed broadly and liberally to achieve full disclosure of all information necessary to allow for a full and complete evaluation by the commission of the competence, integrity, background, and character of vendors for major procurement contracts.

(e)(1) A vendor or an applicant for a major procurement contract shall not provide a gift to:

(A) The Director of the Arkansas Lottery Commission, a commission member, a commission employee, or a member of the Arkansas Lottery Commission Legislative Oversight Committee; or

(B) A member of the immediate family of the director, a commission member, a commission employee, or a member of the Arkansas Lottery Commission Legislative Oversight Committee.

(2) This subsection shall be enforced and penalties shall be assessed in the same manner as § 21-8-301 et seq.

(f)(1) A public official shall not knowingly own a financial interest in a vendor.

(2)(A) If a public official becomes aware that he or she owns a financial interest in a vendor, the public official shall divest the financial interest as soon as possible.

(B) A public official shall not divest the financial interest to a member of his or her immediate family.

23-115-502. Vendor – Performance bond or letter of credit.

(a)(1) At the execution of the major procurement contract with the Arkansas Lottery Commission, each vendor shall post a performance bond or letter of credit from a bank or credit provider acceptable to the commission in an amount as deemed necessary by the commission for that particular bid or major procurement contract.

(2) In lieu of the bond, to assure the faithful performance of its obligations, a vendor may deposit and maintain with the commission securities that are:

(A) Interest bearing or accruing; and

(B) Rated in one (1) of the three (3) highest classifications by an established, nationally recognized investment rating service.

(2) Securities eligible under this section are limited to:

(A) Certificates of deposit in an amount fully insured by the Federal Deposit Insurance Corporation issued by solvent banks or savings associations, if the solvent banks or savings associations are:

(i) Approved by the commission; and

(ii) Organized and existing under the laws of this state or under the laws of the United States;

(B) United States Government bonds, notes, and bills for which the full faith and credit of the United States Government is pledged for the payment of principal and interest;

(C) Federal agency securities by an agency or instrumentality of the United States Government; and

(D)(i) Corporate bonds approved by the commission.

(ii) The entity that issued the bonds shall not be an affiliate or subsidiary of the depositor.

(3) The securities shall be held in trust and shall have at all times a market value at least equal to the full amount estimated to be paid annually to the vendor under contract.

(b)(1) Each vendor shall be qualified to do business in this state and shall file appropriate tax returns as provided by the laws of this state.

(2) All major procurement contracts under this section shall be governed by the laws of this state except as provided in this chapter.

23-115-503. Cancellation, suspension, revocation, or termination of major procurement contract.

(a) A major procurement contract executed by the Arkansas Lottery Commission under this chapter shall specify the reasons for which the major procurement contract may be canceled, suspended, revoked, or terminated by the commission. The reasons shall include without limitation:

(1) Commission of a violation of this chapter or a rule of the commission;

(2) Commission of any fraud, deceit, or misrepresentation;

(3) Conduct prejudicial to public confidence in a lottery;

(4) The vendor's filing for or being placed in bankruptcy or receivership; or

(5) Any material change as determined in the sole discretion of the commission in any matter considered by the commission in executing the major procurement contract with the vendor.

(b)(1) If upon approval of the commission the Director of the Arkansas Lottery Commission or his or her designee determines that cancellation, denial, revocation, suspension, or rejection of renewal of a major procurement contract is in the best interest of lotteries, the public welfare, or the State of Arkansas, the director or his or her designee may cancel, suspend, revoke, or terminate, after notice and a right to a hearing, a major procurement contract issued under this chapter.

(2) The major procurement contract may be temporarily suspended by the director or his or her designee without commission approval or prior notice pending a hearing.

(3) A major procurement contract may be suspended, revoked, or terminated by the director or his or her designee for any one (1) or more of the reasons enumerated in this section.

(c) Hearings under this section shall be held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

23-115-504. Political contributions by vendors.

(a) The General Assembly finds:

(1) That the integrity of the Arkansas Lottery Commission and lotteries is of utmost importance; and

(2) That the people of the State of Arkansas should have confidence and be assured that public officials are free of any untoward political influence by vendors.

(b) A vendor or an officer, employee, agent, or subcontractor of a vendor shall not make a political contribution to a public official or a candidate for election as a public official.

## SUBCHAPTER 6 RETAILERS

23-115-601. Retailers.

(a) The General Assembly recognizes that to conduct a successful lottery, the Arkansas Lottery Commission must develop and maintain a statewide network of retailers that will serve the public convenience and promote the sale of tickets or shares and the playing of lotteries while ensuring the integrity of lottery operations, games, and activities.

(b) The commission shall make every effort to provide small retailers a chance to participate in the sales of tickets or shares.

(c) The commission shall provide for compensation to retailers in the form of commissions in an amount of not less than five percent (5%) of gross sales of tickets and shares and may provide for other forms of compensation for services rendered in the sale or cashing of tickets or shares.

(d)(1) For purposes of display, the commission shall issue a license to each person that it licenses as a retailer.

(2)(A) Every retailer shall post and keep conspicuously displayed in a location on the premises accessible to the public its license.

(B) A license is not assignable or transferable.

(e)(1) A person considered as a retailer shall apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check, to be conducted by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

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

(3) The applicant shall sign a consent to the release of information for the state and federal criminal background check.

(4) The commission shall be responsible for the payment of any fee associated with the state and federal criminal background check.

(5) Upon completion of the state and federal criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the commission all releasable information obtained concerning the applicant.

(f)(1) The commission shall develop a list of objective criteria upon which the qualification of retailers shall be based.

(2) The commission shall develop separate criteria to govern the selection of retailers of instant tickets.

(3) In developing the criteria, the commission shall consider certain factors, including without limitation:

(A) The applicant's financial responsibility;

(B) Security of the applicant's place of business or activity;

(C) Accessibility to the public;

(D) The applicant's integrity; and

(E) The applicant's reputation.

(4) The commission shall not consider political affiliation, activities, or monetary contributions to political organizations or candidates for any public office.

(5) The criteria shall include without limitation the following:

(A)(i) The applicant shall be current in filing all applicable tax returns to the State of Arkansas and in payment of all taxes, interest, and penalties owed to the State of Arkansas, excluding items under formal appeal under applicable statutes.

(ii) The Department of Finance and Administration shall provide to the commission the information required under subdivision (f)(5)(A)(i) of this section;

(B) The commission shall not select as a retailer any person who:

(i) Has been convicted of a criminal offense related to the security or integrity of a lottery in this or any other jurisdiction;

(ii)(a) Has been convicted of any illegal gambling activity, false statements, false swearing, or perjury in this or any other jurisdiction or convicted of any crime punishable by more than one (1) year of imprisonment or a fine of more than one thousand dollars (\$1,000), or both.

(b) Subdivision (f)(5)(B)(ii)(a) of this section shall not apply if the person's civil rights have been restored and at least five (5) years have elapsed from the date of the completion of the sentence without a subsequent conviction of a crime described in subdivision (f)(5)(B)(ii)(a) of this section;

(iii) Has been found to have violated this chapter or any rule, policy, or procedure of the commission unless:

(a) Ten (10) years have passed since the violation; or

(b) The commission finds the violation both minor and unintentional in nature;

(iv) Is a vendor or an employee or agent of a vendor doing business with the commission;

(v) Is a member of the immediate family of a member of the commission;

(vi) Has made a statement of material fact to the commission knowing the statement to be false; or

(vii)(a) Is engaged exclusively in the business of selling tickets or shares.

(b) Subdivision (f)(5)(B)(vii)(a) of this section does not preclude the commission from selling or giving away tickets or shares for promotional purposes;

(C)(i) A person applying to become a retailer shall be charged a uniform application fee determined by rule for each lottery outlet.

(ii) The application fee shall take into account the cost of a state and federal criminal background check under subsection (e) of this section; and

(D) All retailer licenses may be renewable annually in the discretion of the commission unless canceled or terminated by the commission.

(g)(1) A retailer or an applicant to be a retailer shall not provide a gift to:

(A) The Director of the Arkansas Lottery Commission, a commission member, or a commission employee; or

(B) A member of the immediate family of the director, a commission member, or a commission employee.

(2) This subsection shall be enforced and penalties shall be assessed in the same manner as § 21-8-301 et seq.

#### 23-115-602. Retailer license.

(a) A retailer license is not transferable or assignable.

(b) A retailer shall not contract with any person for lottery goods or services except with the approval of the Arkansas Lottery Commission.

(c) Tickets and shares shall be sold only by the retailer stated on the retailer's license issued by the commission under this chapter.

#### 23-115-603. Fidelity fund – Retailer fee – Reserve account to cover losses – Retailer bond.

(a)(1) The Arkansas Lottery Commission shall establish a fidelity fund separate from all other funds and shall assess each retailer an annual fee not to exceed one hundred dollars (\$100) per sales location to be deposited into the fidelity fund.

(2) Moneys deposited into the fidelity fund may be:

(A) Invested or deposited into one (1) or more interest-bearing accounts;

(B) Used to cover losses the commission experiences due to nonfeasance, misfeasance, or malfeasance of a retailer; and

(C) Used to purchase blanket bonds covering the commission against losses from all retailers.

(3) At the end of each fiscal year, the commission shall pay to the trust account managed and maintained by the Department of Higher Education any amount in the fidelity fund that exceeds five hundred thousand dollars (\$500,000), and the funds shall be considered net proceeds from a lottery.

(b)(1) A reserve account may be established as a general operating expense to cover amounts deemed uncollectable.

(2) The commission shall establish procedures for minimizing any losses that may be deemed uncollectable and shall exercise and exhaust all available options in those procedures before writing off amounts to this account.

(c)(1) The commission shall require a retailer to post an appropriate bond, as determined by the commission, using an insurance company acceptable to the commission.

(2) If applicable, the amount of the bond shall not exceed the district sales average of tickets for two (2) billing periods.

(d)(1) In its discretion, the commission may allow a retailer to deposit and maintain with the commission securities that are interest-bearing or accruing.

(2) Securities eligible under this subsection are limited to:

(A) Certificates of deposit in an amount fully insured by the Federal Deposit Insurance Corporation issued by solvent banks or savings associations organized and existing under the laws of this state or under the laws of the United States;

(B) United States Government bonds, notes, and bills for which the full faith and credit of the United States Government is pledged for the payment of principal and interest; or

(C) Federal agency securities by an agency or instrumentality of the United States Government.

(3) The securities shall be held in trust in the name of the commission.

23-115-604. Cancellation, suspension, revocation, or termination of retailer license.

(a) A retailer license executed by the Arkansas Lottery Commission under this chapter shall specify the reasons for which the retailer license may be canceled, suspended, revoked, or terminated by the commission. The reasons shall include without limitation:

(1) Commission of a violation of this chapter or a rule of the commission;

(2) Failure to accurately or timely account for tickets, lottery games, revenues, or prizes as required by the commission;

(3) Commission of any fraud, deceit, or misrepresentation;

(4) Insufficient sales;

(5) Conduct prejudicial to public confidence in a lottery;

(6) The retailer's filing for or being placed in bankruptcy or receivership;

(7) Any material change as determined in the sole discretion of the commission in any matter considered by the commission in executing the license with the retailer; or

(8) Failure to meet any of the objective criteria established by the commission under this chapter.

(b)(1) If upon approval of the commission the Director of the Arkansas Lottery Commission or his or her designee determines that cancellation, denial, revocation, suspension, or rejection of renewal of a retailer license is in the best interest of lotteries, the public welfare, or the State of Arkansas, the director or his or her designee may cancel, suspend, revoke, or terminate, after notice and a right to a hearing, a retailer license issued under this chapter.

(2)(A) The retailer license may be temporarily suspended by the director or his or her designee without commission approval or prior notice pending a hearing.

(3) A retailer license may be suspended, revoked, or terminated by the director or his or her designee for any one (1) or more of the reasons enumerated in subsection (a) of this section.

(4) Hearings under subsection (b) of this section shall be held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

23-115-605. Retailers – Fiduciary duty – Protection against loss.

(a)(1) All proceeds from the sale of tickets or shares constitute a trust fund until paid to the Arkansas Lottery Commission either directly or through the commission's authorized collection representative.

(2) A retailer and officers of a retailer's business have a fiduciary duty to preserve and account for retail lottery proceeds, and retailers are personally liable for all lottery proceeds.

(3) For the purpose of this section, lottery proceeds include without limitation:

- (A) Unsold instant tickets received by a retailer;
- (B) Cash proceeds of the sale of any lottery products;
- (C) Net of allowable sales commissions; and
- (D) Credit for lottery prizes paid to winners by retailers.

(4) Sales proceeds and unused instant tickets shall be delivered to the commission or its authorized collection representative upon demand.

(b)(1) The commission shall require retailers to place all lottery proceeds due the commission in accounts in institutions insured by the Federal Deposit Insurance Corporation not later than the close of the next banking day after the date of their collection by the retailer until the date they are paid to the commission.

(2) At the time of the deposit, lottery proceeds shall be deemed to be the property of the commission.

(3) The commission may require a retailer to establish a single separate electronic funds transfer account when available for the purpose of:

- (A) Receiving moneys from ticket or share sales;
- (B) Making payments to the commission; and
- (C) Receiving payments for the commission.

(4) Unless authorized in writing by the commission, each retailer shall establish a separate bank account for lottery proceeds that shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets.

(c) When an individual who receives proceeds from the sale of tickets or shares in the capacity of a retailer becomes insolvent or dies insolvent, the proceeds due the commission from the individual or his or her estate have preference over all debts or demands.

(d) If the commission determines that a retailer failed to comply with subsection (b) of this section three (3) times within any consecutive twenty-four-month period, the commission may refer the retailer to the Department of Finance and Administration with a recommendation that the department pursue business closure against the retailer as a noncompliant taxpayer as provided in § 26-18-1001 et seq.

23-115-606. Retailer – Rental payments based on percentage of retail sales.

If a retailer's rental payments for the business premises are contractually computed, in whole or in part, on the basis of a percentage of retail sales and the computation of retail sales is not explicitly defined to include sales of tickets or shares, only the compensation received by the retailer from the Arkansas Lottery Commission may be considered the amount of the lottery retail sale for purposes of computing the rental payment.

SUBCHAPTER 7  
PROCUREMENTS

23-115-701. Procurements – Major procurement contracts – Competitive bidding.

(a)(1) The Arkansas Lottery Commission may purchase, lease, or lease-purchase goods or services as necessary for effectuating the purposes of this chapter.

(2) The commission may make procurements that integrate functions, including without limitation:

- (A) Lottery design;
- (B) Ticket distribution to retailers;
- (C) Supply of goods and services; and
- (D) Advertising.

(3) In all procurement decisions, the commission shall:

(A) Take into account the particularly sensitive nature of lotteries; and

(B) Act to promote and ensure:

(i) Security, honesty, fairness, and integrity in the operation and administration of lotteries; and

(ii) The objectives of raising net proceeds for the benefit of scholarships and grants.

(b) Except as provided in subsections (c) and (d) of this section, the commission shall comply with the Arkansas Procurement Law, § 19-11-201 et seq.

(c)(1) The commission shall adopt rules concerning the procurement process for major procurement contracts.

(2) The commission shall arrange for the solicitation and receipt of competitive bids for major procurement contracts.

(3) The commission is not required to accept the lowest responsible bid for major procurement contracts but shall select a bid that provides the greatest long-term benefit to the state, the greatest integrity for the commission, and the best service and products for the public.

(d) In any bidding process, the commission may administer its own bidding and procurement or may utilize the services of the Department of Finance and Administration.

(e)(1) Each proposed major procurement contract shall be filed with the Arkansas Lottery Commission Legislative Oversight Committee for review before the execution date of the major procurement contract.

(2) The committee shall provide the commission with its review as to the propriety of the major procurement contract within thirty (30) days after receipt of the proposed major procurement contract.

SUBCHAPTER 8  
LOTTERY PROCEEDS

23-115-801. Lottery proceeds.

(a)(1) All lottery proceeds are the property of the Arkansas Lottery Commission.

(2)(A) The commission shall pay its operating expenses from its lottery proceeds.

(B)(i) An amount of lottery proceeds determined by the commission to maximize net proceeds shall be made available as prize money.

(ii)(a) Subdivision (a)(2)(B)(i) of this section does not create any lien, entitlement, cause of action, or other private right.

(b) In setting the terms of a lottery, the commission shall determine any rights of holders of tickets or shares.

(3) The percentage of lottery proceeds determined by the commission to be net proceeds shall equal an amount determined by the commission to maximize net proceeds.

(b)(1) On or before the fifteenth day of each month, the commission shall deposit the net proceeds from the lottery into one (1) or more trust accounts at one (1) or more financial institutions.

(2) The commission shall follow the investment policy guidelines of the State Board of Finance in selecting a financial institution and managing the net proceeds from the lottery deposited into a trust account.

(c)(1) The Director of the Department of Higher Education shall certify to the commission the amount of net proceeds from the lottery needed to:

(A) Fund the scholarships awarded to recipients under § 6-85-201 et seq. for an academic year; and

(B) Ensure that sufficient funds remain available to pay for scholarship awards for the recipients through the anticipated completion of the degree or certificate a recipient is seeking.

(2)(A)(i) The commission shall transfer the funds requested by the director under subdivision (c)(1) of this section into one (1) or more trust accounts at one (1) or more financial institutions meeting the requirements of subdivision (b)(2) of this section maintained by the department.

(ii) The director shall disburse trust account funds only in the name of the recipient:

(a) To an approved institution of higher education;

or

(b) If a recipient transfers to another approved institution of higher education, to the approved institution of higher education where the recipient transferred.

(3) By August 1 of each year, the director shall provide to the commission and to the Arkansas Lottery Commission Legislative Oversight Committee for the academic year just ended an accounting of all trust accounts maintained by the department, including without limitation:

(A) Total deposits to all trust accounts;

(B) Total disbursements from the trust accounts; and

(C) The balance remaining in the trust accounts.

(d)(1) The General Assembly finds that:

(A) The administration of scholarships with proceeds from the lottery are expenses of the commission; and

(B) Because the department has the expertise and experienced staff needed to efficiently and appropriately administer the scholarships, the commission shall use the services of the department to administer scholarships funded with net proceeds from the lottery.

(2) The commission shall reimburse the department for the costs of administering the scholarship awards funded with net proceeds from the lottery after review of the reimbursement amount by the Arkansas Lottery Commission Legislative Oversight Committee.

(3) The department shall refund to the Higher Education Grants Fund Account the amount of a reimbursement received from the commission under this subsection for services provided and funded from the fund account.

23-115-802. Scholarship shortfall reserve trust account.

(a) The Arkansas Lottery Commission shall maintain a scholarship shortfall reserve trust account.

(b)(1) An amount equal to ten percent (10%) of the total amount of net proceeds disbursed during the preceding fiscal year in the form of scholarships and grants for higher education shall be deposited from lottery proceeds each year until the amount in the scholarship shortfall reserve trust account equals fifty million dollars (\$50,000,000).

(2) Thereafter, only an amount necessary to maintain the scholarship shortfall reserve trust account in an amount equal to fifty million dollars (\$50,000,000) shall be deposited into the scholarship shortfall reserve trust account.

(c)(1) If net proceeds in any year are not sufficient to meet the amount allocated for higher education scholarships, the scholarship shortfall reserve trust account may be drawn upon to meet the deficiency.

(2) If it becomes necessary to draw from the scholarship shortfall reserve trust account in any fiscal year, the Department of Higher Education shall review the scholarship and grant program and shall reduce the program to accommodate available lottery proceeds, exclusive of the scholarship shortfall reserve trust account.

(d) This section is effective on July 1, 2010.

#### 23-115-803. Disposition of funds.

(a)(1) To effectuate the Arkansas Lottery Commission's purposes, the commission may borrow moneys from the State of Arkansas or accept and expend moneys from the State of Arkansas and shall repay any sums borrowed from the state as soon as practicable.

(2) As used in this section, "purposes" includes without limitation the payment of the initial expenses of initiation, administration, and operation of the commission and lotteries.

(3) The commission shall not issue bonds for any purpose.

(b)(1) The commission shall be self-sustaining and self-funded.

(2)(A) Except as provided in subsection (a) of this section, moneys in the General Revenue Fund Account of the State Apportionment Fund shall not be used or obligated to pay the expenses of the commission or prizes of a lottery.

(B) A claim for the payment of an expense of a lottery or prizes of a lottery shall not be made against any moneys other than moneys credited to the commission's operating account.

### SUBCHAPTER 9 PENALTIES

23-115-901. Sale of ticket or share to person under 18 years of age prohibited — Penalty.

(a) A retailer who knowingly sells a ticket or share to a person under eighteen (18) years of age or permits a person under eighteen (18) years of age to play a lottery is guilty of a violation and subject to the following penalties:

(1) A fine not to exceed two hundred fifty dollars (\$250) for a first violation within a forty-eight-month period;

(2) For a second violation within a forty-eight-month period:

(A) A fine not to exceed five hundred dollars (\$500); and

(B) Suspension of the retailer license issued under § 23-115-601 et seq. for a period not to exceed two (2) days;

(3) For a third violation within a forty-eight-month period:

(A) A fine not to exceed one thousand dollars (\$1,000); and

(B) Suspension of the retailer license issued under § 23-115-601 et seq. for a period not to exceed seven (7) days;

(4) For a fourth or subsequent violation within a forty-eight-month period:

(A) A fine not to exceed two thousand dollars (\$2,000); and

(B) Suspension of the retailer license issued under § 23-115-601 et seq. for a period not to exceed fourteen (14) days; and

(5) For a fifth or subsequent violation within a forty-eight-month period, the retailer license issued under § 23-115-601 et seq. may be revoked.

(b) An employee of a retailer who violates this section is subject to a fine not to exceed one hundred dollars (\$100) per violation.

(c) It is an affirmative defense to a prosecution under this section that the retailer reasonably and in good faith relied upon representation of proof of age in making the sale.

(d) A person convicted of violating any provision of this section whose retailer license is suspended or revoked upon conviction shall surrender to the court his or her retailer license and the court shall transmit the retailer license to the Arkansas Lottery Commission and instruct the commission:

(1) To suspend or revoke the person's retailer license or to not renew the license; and

(2) Not to issue any new retailer license to that person for the period of time determined by the court in accordance with this section.

#### 23-115-902. Fraud — Penalty.

(a)(1) A person who, with a purpose to defraud, falsely makes, alters, forges, utters, passes, or counterfeits a ticket is guilty of a Class D felony.

(2) A person convicted for violating subdivision (a)(1) of this section is subject to an additional fine of not more than fifty thousand dollars (\$50,000).

(b)(1) A person who purposely influences or attempts to influence the winning of a lottery prize through the use of coercion, fraud, deception, or tampering with lottery equipment or materials is guilty of a Class D felony.

(2) A person convicted for violating subdivision (b)(1) of this section is subject to an additional fine of not more than fifty thousand dollars (\$50,000).

#### 23-115-903. False statement on license application — Penalty.

(a) A person shall not knowingly make:

(1) A material false statement in an application for a license or proposal to conduct a lottery; or

(2) A material false entry in any book or record that is compiled, maintained, or submitted to the Arkansas Lottery Commission.

(b)(1) A person who violates this section is guilty of a Class D felony.

(2) A person convicted for violating subsection (a) of this section is subject to an additional fine of not more than twenty five thousand dollars (\$25,000) or the dollar amount of the material false entry or material false statement, whichever is greater.

#### 23-115-904. Inconsistent statutes inapplicable.

(a) Section 5-66-101 et seq. and all other laws and parts of laws inconsistent with this chapter are expressly declared not to apply to any person engaged in, conducting, or otherwise participating in lotteries.

(b) A person is not guilty of any criminal offense set forth in § 5-66-101 et seq. or any other law relating to illegal gambling to the extent the person relied on any rule, order, finding, or other determination by the Arkansas Lottery Commission that the activity was authorized by this chapter.

### SUBCHAPTER 10 DEBTORS OWING MONEY TO THE STATE

#### 23-115-1001. Legislative intent.

(a) The purposes of this subchapter are to establish:

(1) A policy and to provide a system whereby all claimant agencies of this state in conjunction with the Arkansas Lottery Commission shall cooperate in identifying debtors who owe money to the state through its various claimant agencies or to persons on whose behalf the state and its claimant agencies act and who qualify for lottery prizes under this chapter from the commission; and

(2) Procedures for setting off against any prize the sum of any debt owed to the state or to persons on whose behalf the state and its claimant agencies act.

(b) This subchapter shall be liberally construed to effectuate the purposes stated in subsection (a) of this section.

23-115-1002. Definitions.

As used in this subchapter:

(1) "Claimant agency" means a state agency, department, board, bureau, commission, or authority:

(A) To which a person owes a debt; or

(B) That acts on behalf of a person to collect a debt;

(2) "Debt" means a:

(A) Liquidated sum due and owing any claimant agency when the sum has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for the sum; or

(B) Sum that is due and owing any person and is enforceable by the state;

(3) "Debtor" means an individual owing money to or having a delinquent account with a claimant agency when the obligation has not been:

(A) Adjudicated as satisfied by court order;

(B) Set aside by court order; or

(C) Discharged in bankruptcy; and

(4) "Prize" means the proceeds of any lottery prize awarded under this chapter.

23-115-1003. Collection remedy.

The collection remedy authorized by this subchapter is in addition to and not in substitution for any other remedy available by law.

23-115-1004. List of debtors – Withholding winnings – Ranking of liens.

(a)(1) A claimant agency may submit to the Arkansas Lottery Commission a list of the names of all debtors owing in excess of one hundred dollars (\$100) to the claimant agency or to persons on whose behalf the claimant agency is acting.

(2) The full amount of the debt is collectible from any prize without regard to limitations on the amounts that may be collectible in increments through garnishment or other proceedings.

(3) The list shall constitute a valid lien upon and claim of lien against the prize of any debtor named in the list.

(4) The list shall contain:

(A) The name of the each debtor;

(B) The social security number of each debtor if available; and

(C) Any other information that would assist the commission in identifying each debtor named in the list.

(b)(1) The commission shall withhold any prizes subject to the lien created by this section and send notice to the winner by certified mail, return receipt requested, of the action and the reason the prizes were withheld.

(2)(A) However, if the winner appears and claims prizes in person, the commission shall notify the winner at that time by hand delivery of the action.

(B) If the debtor does not protest the withholding of the prizes in writing within thirty (30) days of receipt of the notice, the commission shall pay the prizes to the claimant agency.

(C) If the debtor protests the withholding of the prizes within thirty (30) days of receipt of the notice, the commission shall:

(i) File an action in interpleader in the circuit court of the county where the debtor resides;

- court; and
- (ii) Pay the disputed sum into the registry of the circuit
- initiation of the action.
- (iii) Give notice to the claimant agency and debtor of the
- (c) The liens created by this section are ranked by priority as follows:
- (1) Taxes due the state;
- (2) Delinquent child support; and
- (3) All other judgments and liens in order of the date entered or
- perfected.
- (d) The commission is not required to deduct claimed debts from prizes paid
- out by retailers or entities other than the commission.
- (e) Any list of debt provided under this section shall be provided periodically
- as the commission shall provide by rule, and the commission is not obligated to
- retain the lists or deduct debts appearing on the lists beyond the period determined
- by the rules.
- (f) The commission may prescribe forms and promulgate rules it deems
- necessary to implement this section.
- (g) The commission and any claimant agency shall incur no civil or criminal
- liability for good faith adherence to this section.
- (h) The claimant agency shall pay the commission for all costs incurred by
- the commission in setting off debts in the manner provided in this subchapter.

23-115-1005. Confidential information.

- (a)(1) Notwithstanding any other confidentiality statute, the Arkansas Lottery
- Commission may provide to a claimant agency all information necessary to
- accomplish and effectuate the intent of this subchapter.
- (2) Information shall be used by a claimant agency only in the pursuit
- of its debt collection duties and practices.
- (b) Confidential information obtained by a claimant agency from the
- commission under this section shall retain its confidentiality.
- (c) An employee or prior employee of a claimant agency who unlawfully
- discloses any information for any other purpose, except as otherwise specifically
- authorized by law, is guilty of a Class A misdemeanor.

23-115-1006. Application.

This subchapter applies only to prizes of more than five hundred dollars

(\$500).

SUBCHAPTER 11

ARKANSAS LOTTERY COMMISSION LEGISLATIVE OVERSIGHT COMMITTEE

23-115-1101. Arkansas Lottery Commission Legislative Oversight

Committee.

- (a) The Arkansas Lottery Commission Legislative Oversight Committee is
- established.
- (b) The Arkansas Lottery Commission Legislative Oversight Committee shall
- consist of the following members of the General Assembly appointed as follows:
- (1) Six (6) members of the House of Representatives shall be
- appointed to the Arkansas Lottery Commission Legislative Oversight Committee by
- the Speaker of the House of Representatives; and
- (2) Six (6) members of the Senate shall be appointed to the Arkansas
- Lottery Commission Legislative Oversight Committee by the President Pro Tempore
- of the Senate.
- (c) In making appointments, each appointing officer shall select members
- who have appropriate experience and knowledge of the issues to be examined by
- the Arkansas Lottery Commission Legislative Oversight Committee and may
- consider racial, gender, and geographical diversity among the membership.

- (d) The Arkansas Lottery Commission Legislative Oversight Committee shall:
- (1) Review whether expenditures of lottery proceeds have been in accordance with this chapter;
  - (2) Review proposed rules of the Arkansas Lottery Commission;
  - (3) Review proposed major procurement contracts;
  - (4) Review reports filed with the Arkansas Lottery Commission Legislative Oversight Committee by the Department of Higher Education, including without limitation reports filed under § 6-85-205 and § 6-85-220;
  - (5) Perform its duties under § 6-85-221; and
  - (6) Study other lottery matters as the Arkansas Lottery Commission Legislative Oversight Committee considers necessary to fulfill its mandate.
- (e)(1) By November 1 of each year, the Arkansas Lottery Commission Legislative Oversight Committee shall provide to the General Assembly:
- (A) Any analysis or findings resulting from its activities under this section that the committee deems relevant; and
  - (B) Its recommendations for any changes to the:
 
    - (i) Scholarship award amounts;
    - (ii) Number or type of scholarships; and
    - (iii) Scholarship eligibility requirements.
- (2) The Arkansas Lottery Commission Legislative Oversight Committee may make interim reports to the General Assembly regarding the expenditure of net lottery revenues.
- (f)(1) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a Cochair of the Arkansas Lottery Commission Legislative Oversight Committee.
- (2) The Arkansas Lottery Commission Legislative Oversight Committee shall meet at least quarterly upon the joint call of the Cochairs of the Arkansas Lottery Commission Legislative Oversight Committee.
  - (3) Six (6) members of the Arkansas Lottery Commission Legislative Oversight Committee constitute a quorum.
  - (4) No action may be taken by the Arkansas Lottery Commission Legislative Oversight Committee except by a majority vote at a meeting at which a quorum is present.
- (g) Members of the Arkansas Lottery Commission Legislative Oversight Committee are entitled to per diem and mileage at the same rate authorized by law for attendance at meetings of interim committees of the General Assembly and shall be paid from the same source.

23-115-1102. Filing of information with Arkansas Lottery Commission Legislative Oversight Committee.

- (a) It is the intent of the General Assembly that the Arkansas Lottery Commission Legislative Oversight Committee perform the monitoring and oversight functions of the Legislative Council for the Arkansas Lottery Commission.
- (b) All contracts, rules, reports, or other information required by law to be filed by the commission with the Legislative Council:
 
  - (1) Shall not be filed with the Legislative Council; and
  - (2) Shall be filed with the Arkansas Lottery Commission Legislative Oversight Committee.
- (c) The Arkansas Lottery Commission Legislative Oversight Committee shall perform all duties or functions of the Legislative Council required by law concerning the contracts, rules, reports, or other information filed with the Arkansas Lottery Commission Legislative Oversight Committee under subsection (b) of this section.

SECTION 2. Arkansas Code Title 5, Chapter 66, Subchapter 1 is amended to add an additional section to read as follows:

5-66-120. Application to Arkansas Scholarship Lottery Act.

This chapter does not apply to a lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.

SECTION 3. Arkansas Code Title 6, Chapter 82, Subchapter 10 is repealed.  
~~6-82-1001. Legislative findings and declarations of public necessity.~~

~~The General Assembly hereby recognizes that taking the proper course work in high school is essential for success in college. Arkansas high school students who complete the recommended precollegiate or technical preparation core curriculum score significantly higher on standardized preadmissions tests and are more likely to be successful in college. Because the State of Arkansas also benefits from the academic success of well-prepared college students, there is hereby established the Arkansas Academic Challenge Scholarship Program, a college scholarship plan to promote academic achievement and encourage academically prepared Arkansas high school graduates to enroll in the state's colleges and universities and to encourage students to enter the field of teaching for the purpose of teaching in subject matter areas of critical teacher shortage or in geographical areas of critical teacher shortage in the state.~~

~~6-82-1002. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Approved institution" means a publicly supported or private, nonprofit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds or any nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV federal student aid programs and has been approved by the Department of Higher Education as eligible to participate in the Arkansas Academic Challenge Scholarship Program;~~

~~(2) "Eligible student" means any student who:~~

~~(A) Meets the criteria set out by this subchapter; and~~

~~(B) Is deemed to be eligible by rules and regulations authorized by this subchapter and promulgated by the Department of Higher Education;~~

~~(3) "Financial need" means the family income of program applicants as determined by the Department of Higher Education through evaluation of program applications and supporting documentation;~~

~~(4)(A) "Full-time undergraduate student" means a resident of Arkansas who attends an approved institution of higher education and who is enrolled for at least twelve (12) credit hours the first semester and fifteen (15) credit hours thereafter or the equivalent, as defined by the Department of Higher Education, in a program of study that leads to or is creditable toward a baccalaureate degree, an associate degree in nursing, or a nursing school diploma.~~

~~(B) A recipient receiving an Arkansas Academic Challenge Scholarship for the eighth semester shall not be required to be enrolled in fifteen (15) hours and shall be considered a "full-time undergraduate student" if the recipient is enrolled in the appropriate number of course credit hours to earn a degree at the end of that semester;~~

~~(5) "Recipient" means an applicant awarded a scholarship funded through the program;~~

~~(6) "Tuition" means charges levied for attendance at an eligible institution of higher education, including mandatory fees charged to all full-time students by an approved institution; and~~

~~(7) "Unemancipated child" or "unemancipated children" means a dependent child or dependent children as defined by the United States Department of Education for student aid purposes.~~

~~6-82-1003. Creation.~~

~~There is hereby created and established the Arkansas Academic Challenge Scholarship Program.~~

~~6-82-1004. Authority of Department of Higher Education.~~

~~(a) The Department of Higher Education is authorized by this subchapter to develop and promulgate rules and regulations for the administration of the Arkansas Academic Challenge Scholarship Program, consistent with the purposes and requirements of this subchapter.~~

~~(b) The rules and regulations shall include student eligibility criteria based on the provisions of this subchapter, the method for selecting scholarship recipients, rules for determining continuing eligibility, procedures for making payment to recipients, and such other administrative procedures which may be necessary for the implementation and operation of the program.~~

~~(c) The Department of Higher Education is authorized to expend each year for data processing and other administrative costs of this program up to one and five-tenths percent (1.5%) of the amount appropriated for the programs.~~

~~(d) Applicants must certify that they are drug-free and must pledge in writing on the application form to refrain from the use or abuse of illegal substances in order to maintain eligibility for this program.~~

~~(e)(1) The Department of Education and the Department of Higher Education are directed to develop appropriate informational materials on the Arkansas Academic Challenge Scholarship Program and to ensure their distribution to Arkansas students in grades seven through twelve (7-12) each year as part of the packet of materials on precollegiate preparation distributed by the Department of Education as mandated by § 6-61-217.~~

~~(2) This shall be accomplished through the use of school counselors or other appropriate school personnel.~~

~~(f) The Director of the Department of Higher Education is authorized to review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this legislation.~~

~~(g) The Department of Higher Education is authorized to determine the necessary procedures for the awarding of scholarships should the number of eligible applicants exceed the funds available.~~

~~(h) The Department of Higher Education shall report to the General Assembly annually regarding the implementation of the provisions of this subchapter.~~

~~6-82-1005. Eligibility.~~

~~(a) Eligibility for the Arkansas Academic Challenge Scholarship Program shall be based on the criteria set forth in this section as well as program rules and regulations adopted pursuant to this subchapter by the Department of Higher Education.~~

~~(b) An applicant shall be eligible for an award from this program if the applicant meets all of these criteria:~~

~~(1) The applicant graduated from an Arkansas high school on or after March 5, 1991;~~

~~(2) The applicant has been a resident of the State of Arkansas for at least twelve (12) months prior to graduation from an Arkansas high school, and the applicant's parent or parents or guardian or guardians have maintained Arkansas residency for the same period of time;~~

~~(3) The applicant is a citizen of the United States or is a permanent resident alien;~~

~~(4) The applicant is accepted for admission at an approved institution of higher education as a full-time first-time freshman as defined by the department and enrolls in an approved institution within twelve (12) months of the applicant's high school graduation;~~

~~(5)(A)(i) Except as provided in subdivision (b)(5)(B) of this section, the applicant has successfully completed the core curriculum established by the State Board of Education and the Arkansas Higher Education Coordinating Board pursuant to § 6-61-217.~~

~~(ii) An applicant who graduates from an Arkansas high school after December 31, 2001, but before December 1, 2009, and who meets the provisions of subdivisions (b)(1)-(4) of this section but who has not completed the core curriculum defined in this subdivision (b)(5)(A) by the end of the senior year of high school due to the unavailability of the courses in the applicant's high school shall have a grace period of twelve (12) months from the date of high school graduation in which to make up any course deficiencies required for program eligibility.~~

~~(B) An applicant who graduates from an Arkansas high school after December 31, 2009, shall have:~~

~~(i) Successfully completed the Smart Core Curriculum as established by the Department of Education; and~~

~~(ii)(a) Demonstrated proficiency in the application of knowledge and skills in reading and writing literacy and mathematics by passing the end-of-course examinations as may be developed by the Department of Education and as may be designated by the Department of Higher Education for this purpose.~~

~~(b) "End-of-course" examinations means those examinations defined in § 6-15-419;~~

~~(6)(A) The applicant who graduates from an Arkansas high school after December 31, 2001, must have achieved the following:~~

~~(i) A grade point average of 3.0 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved four-year institution; or~~

~~(ii) A grade point average of 2.75 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved two-year institution; and~~

~~(iii)(a) These revised grade point average requirements may be reduced to no lower than a 2.5 on a 4.0 scale by a rules change by the Department of Higher Education if it is determined by the department, based on the most recent evaluation of the program's operation, that the change to a 3.0 or 2.75 grade point average on a 4.0 scale would unduly reduce the number of low-income or disadvantaged students who would otherwise be eligible for the program.~~

~~(b) At the Department of Higher Education's discretion, the Department of Higher Education may make such a reduction for admissions to institutions with a high percentage of students receiving full Pell Grants upon petition to the Department of Higher Education by the institution.~~

~~(B) The applicant scored nineteen (19) or above on the American College Test composite or the equivalent as defined by the Department of Higher Education.~~

~~(C)(i) The Department of Higher Education is authorized to develop selection criteria through program rules and regulations that combine an applicant's American College Test or equivalent score and grade point average in the core curriculum into a selection index.~~

~~(ii) Notwithstanding the provisions of subdivisions (b)(6)(A) and (b)(6)(B) of this section, this selection index shall be employed as an alternative selection process for applicants who achieve a grade point average above 2.75 if attending an approved two-year institution or 3.0 if attending a four-year institution on a 4.0 scale in the set of core curriculum courses defined in subdivision (b)(5)(A) of this section or for applicants who have an American College Test composite or equivalent score greater than nineteen (19).~~

~~(D)(i) The applicant demonstrates financial need as defined by the department.~~

~~(ii) In calculating financial need for applicants who graduate from an Arkansas high school after December 31, 1998, but before January 1, 2001, the following criteria shall be used:~~

~~(a) An applicant whose family includes one (1) unemancipated child shall have average family adjusted gross income over the previous two (2) years not exceeding seventy thousand dollars (\$70,000) per year at the time of application to the program;~~

~~(b) An applicant whose family includes two (2) unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding seventy-five thousand dollars (\$75,000) per year at the time of application to the program;~~

~~(c) An applicant whose family includes three (3) or more unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding eighty thousand dollars (\$80,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child;~~

~~(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional child when the department calculates financial need; and~~

~~(e) If the applicant is an adopted child who was at least twelve (12) years of age at the time of adoption and if the applicant's family includes unemancipated adopted children who were at least twelve (12) years of age at the time of adoption, the adoptive family shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income per adopted unemancipated child.~~

~~(iii) In calculating financial need for applicants who graduated from an Arkansas high school after December 31, 2000, but before December 31, 2004, the following criteria shall be used:~~

~~(a) An applicant whose family includes one (1) unemancipated child shall have average family adjusted gross income over the previous two (2) years not exceeding fifty thousand dollars (\$50,000) per year at the time of application to the program;~~

~~(b) An applicant whose family includes two (2) unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding fifty-five thousand dollars (\$55,000) per year at the time of application to the program;~~

~~(c) An applicant whose family includes three (3) or more unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding sixty thousand dollars (\$60,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children an additional five thousand dollars (\$5,000) per year for each additional child; and~~

~~(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution of higher education when the Department of Higher Education calculates financial need.~~

~~(iv) In calculating financial need for applicants who graduate from an Arkansas high school after December 31, 2006, a Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid shall be filed by the applicant or other proof of family income as defined by the Department of Higher Education. The following criteria shall be used:~~

~~(a) An applicant whose family includes one (1) unemancipated child shall have an average family adjusted gross income over the previous two (2) years not exceeding sixty five thousand dollars (\$65,000) per year at the time of application to the program;~~

~~(b) An applicant whose family includes two (2) unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy thousand dollars (\$70,000) per year at the time of application to the program;~~

~~(c) An applicant whose family includes three (3) or more unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy five thousand dollars (\$75,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child; and~~

~~(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution of higher education when the Department of Higher Education calculates financial need.~~

~~(c)(1) The Arkansas Higher Education Coordinating Board shall have the authority to increase these financial need family income limitations if sufficient additional funds become available.~~

~~(2) Financial need criteria necessary for the selection of recipients, including those defined as emancipated or independent by federal student aid regulations, shall be established through rules and regulations issued by the department.~~

~~(d) Recipients of Arkansas Governor's Distinguished Scholarships are prohibited from receiving Arkansas Academic Challenge Scholarships.~~

~~(e) As an additional component to the Arkansas Academic Challenge Scholarship:~~

~~(1) Each applicant for the scholarship shall agree that for each year the scholarship is awarded he or she may volunteer to serve as a literacy tutor for a minimum of twenty (20) clock hours each semester in a public school or a faith-based educational institution serving students in prekindergarten through grade six (PreK-6);~~

~~(2) A recipient who agrees to volunteer as a literacy tutor:~~

~~(A) Shall complete the prerequisite training in literacy and college readiness skills provided under § 6-82-1006(d) before he or she begins tutoring; and~~

~~(B) May receive college credit for the tutoring as determined by the institution of higher education awarding the scholarship; and~~

~~(3) An enrolled college student who participates in the tutorial program and fails to meet the Arkansas Academic Challenge Scholarship academic eligibility requirement for the fall or spring semester shall be given the probationary opportunity during the subsequent spring or summer term to continue his or her education and improve academic performance prior to losing scholarship funding in the subsequent semester.~~

~~6-82-1006. Duration — Amount.~~

~~(a) A recipient who graduated from high school before January 1, 2001, shall receive a scholarship for one (1) academic year renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the Department of Higher Education and if sufficient funds are available for that purpose.~~

~~(b) A recipient who graduated from high school after December 31, 2000, shall receive a scholarship for one (1) academic year renewable for up to three (3) additional academic years if the recipient meets the following continuing eligibility criteria:~~

~~(1) The recipient earns a cumulative grade point average of 2.75 or above on a 4.0 scale at an approved institution;~~

~~(2) The recipient has completed a total of at least twenty-seven (27) hours during the first full academic year and a total of at least thirty (30) hours per academic year thereafter; and~~

~~(3) The recipient meets any other continuing eligibility criteria established by the department.~~

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

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

~~(3) For recipients who graduated from high school after December 31, 1998, the amount of the annual scholarship awarded to each recipient shall be two thousand five hundred dollars (\$2,500).~~

~~(4) Beginning with awards made for the 2005-2006 academic year for recipients who graduated from high school after December 31, 2001, the amount of the annual scholarship awarded to each recipient shall be graduated as follows:~~

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

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

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

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

~~(d)(1) A recipient who agrees to volunteer as a literacy tutor under § 6-82-1005(e) shall receive the prerequisite training in literacy and college readiness from an accredited Arkansas institution of higher education.~~

~~(2) The Department of Education shall develop the training modules for the prerequisite literacy training.~~

~~6-82-1007. Nursing school eligibility.~~

~~(a)(1) The General Assembly recognizes that the State of Arkansas is experiencing a critical shortage of nurses; and~~

~~(2) It is the intent of this section to allow the Department of Higher Education the opportunity to include associate degree granting and diploma schools of nursing in the Arkansas Academic Challenge Scholarship Program under specific circumstances.~~

~~(b) The department shall make awards to applicants attending either an associate degree or diploma school preparing registered nurses that is approved by the Arkansas State Board of Nursing and which would not otherwise be an approved institution of higher education if:~~

~~(1) The applicant has qualified for an Arkansas Academic Challenge Scholarship and is simultaneously enrolled in an approved two-year college or a four-year college or university prior to or at the time of entry into the nursing school and the applicant then transfers the scholarship to an approved school of nursing after completing the two-year requirements as set forth by the department's rules and regulations;~~

~~(2) The nursing school has been approved by the Arkansas State Board of Nursing and is specifically recognized by the department as a school of nursing eligible to participate in the Arkansas Academic Challenge Scholarship Program; and~~

~~(3) The recipient meets continuing eligibility requirements in § 6-82-1006.~~

~~(c) The scholarships awarded to recipients under this section shall be subject to § 6-18-1004(g).~~

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

~~6-82-1008. Awards not funded.~~

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

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

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

~~(c) Any award made under this section shall have funding priority as follows:~~

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

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

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

~~6-82-1009. Priority for teaching commitment.~~

~~(a) During times of funding shortages under the Arkansas Academic Challenge Scholarship Program, the Department of Higher Education shall give a priority to awards to applicants meeting all eligibility requirements under the program who agree to accept a forgivable loan, as set forth in this section in lieu of a scholarship, and who agree to:~~

~~(1) Teach, as required under § 6-82-1010, in a subject matter area designated by the Department of Education as having a critical shortage of teachers; or~~

~~(2) Teach, as required under § 6-82-1010, in a geographical area of the state designated by the Department of Education as having a critical shortage of teachers.~~

~~(b) The Department of Higher Education shall make awards under this subchapter as follows:~~

~~(1) First, to applicants who agree to the provisions of § 6-82-1009; and~~

~~(2) Second, to applicants eligible under § 6-82-1005(b).~~

~~(c) Forgivable loans awarded under this section shall be paid from appropriations to the program.~~

~~6-82-1010. Teaching requirements.~~

~~(a)(1) At the beginning of the first school year in which a recipient of a forgivable loan under § 6-82-1009 is eligible for employment as a licensed teacher, that recipient shall begin to render service as a licensed teacher in a public school district in the state:~~

~~(A) In a subject matter area designated by the Department of Education as having a critical shortage of teachers if the recipient's award was made under § 6-82-1009(a)(1); or~~

~~(B) In a geographical area of the state designated by the Department of Education as having a critical shortage of teachers if the recipient's award was made under § 6-82-1009(a)(2).~~

~~(2)(A) Any recipient receiving a forgivable loan under § 6-82-1009 who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render four (4) years' service as a licensed teacher.~~

~~(B) Any person who received a forgivable loan under § 6-82-1009 in an amount less than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) year's service as a licensed teacher for each year that the person received a full-time student forgivable loan or for the number of academic hours equivalent to one (1) school year, as determined by the Department of Higher Education, for which a part-time student received a forgivable loan.~~

~~(b) Any person receiving a forgivable loan shall execute a note made payable to the Department of Higher Education for an amount equal to the scholarship award each semester that shall bear interest at a rate to be determined by the Department of Higher Education and set forth in the note after completion of the program or immediately after termination of the forgivable loan, whichever is earlier.~~

~~(c) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the terms of the note for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered.~~

~~(d)(1)(A) Except as provided in subdivision (d)(1)(B) of this section, any person failing to complete the teaching obligation as required by this subchapter shall become immediately liable to the Department of Higher Education for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered according to the note's terms.~~

~~(B) The Department of Higher Education may defer payment on the note if an employment position is not immediately available upon a teacher's completion of licensure requirements or for other just cause as determined by the Department of Education.~~

~~(C) After the period of deferral, the person shall begin or resume teaching duties as required under this section or shall become liable to the Department of Higher Education under this section.~~

~~(e) If a claim for payment under this section is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.~~

~~(f) The obligations made by the recipient of a forgivable loan under § 6-82-1009 and this section shall not be voidable by reason of the age of the student at the time of receiving the forgivable loan award.~~

~~6-82-1011. End-of-course assessment requirements.~~

~~The Department of Higher Education may recognize a sub-score of nineteen (19) or higher in the applicable subject area on the American College Test as meeting the requirements for passing end-of-course examinations under the Arkansas Academic Challenge Scholarship Program and the Arkansas Governor's Scholars Program for a student who:~~

- ~~(1) Has not had an opportunity to take an end-of-course examination;~~
- ~~(2) Has not passed the end-of-course examination; or~~
- ~~(3) Is attending a private school or home school.~~

SECTION 4. Arkansas Code Title 6 is amended to add an additional chapter to read as follows:

#### CHAPTER 85

#### ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

#### SUBCHAPTER 1

#### ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM — PART 1

6-85-101. Legislative findings and declarations of public necessity.

The General Assembly hereby recognizes that taking the proper coursework in high school is essential for success in college. Arkansas high school students who complete the recommended precollegiate or technical preparation core curriculum score significantly higher on standardized preadmission tests and are more likely to be successful in college. Because the State of Arkansas also benefits from the academic success of well-prepared college students, there is hereby established the Arkansas Academic Challenge Scholarship Program, a college scholarship plan to promote academic achievement and encourage academically prepared Arkansas high school graduates to enroll in the state's colleges and universities and to encourage students to enter the field of teaching for the purpose of teaching in subject matter areas of critical teacher shortage or in geographical areas of critical teacher shortage in the state.

6-85-102. Creation.

There is hereby created and established the Arkansas Academic Challenge Scholarship Program — Part 1.

6-85-103. Applicability — Expiration.

(a) This subchapter is applicable to students who:

- (1) Applied for a scholarship under the Arkansas Academic Challenge Scholarship Program, § 6-82-1001 et seq. [repealed] and maintain eligibility under this subchapter; or
- (2) Apply for a scholarship under this subchapter for the academic year 2009-2010, receive the scholarship, and maintain eligibility thereafter.

(b) Except to the extent of the award amount under § 6-85-107(b)(2), a recipient of a scholarship under this subchapter shall not receive an additional scholarship under the Arkansas Academic Challenge Scholarship Program — Part 2, § 6-85-201 et seq.

(c) This subchapter will expire on June 30, 2015.

6-85-104. Definitions.

As used in this subchapter:

(1) "Approved institution" means an institution of higher education approved by the Department of Higher Education to participate in the Arkansas Academic Challenge Scholarship Program that is either:

(A) A state-supported institution of higher education;

(B) A private, nonprofit institution of higher education with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds; or

(C) A nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV federal student aid programs and has been;

(2) "Eligible student" means any student who:

(A) Meets the criteria set out by this subchapter; and

(B) Is deemed to be eligible by rules authorized by this subchapter and promulgated by the Department of Higher Education;

(3) "Financial need" means the family income of program applicants as determined by the Department of Higher Education through evaluation of program applications and supporting documentation;

(4)(A) "Full-time undergraduate student" means a resident of Arkansas who attends an approved institution and who is enrolled for at least twelve (12) credit hours the first semester and fifteen (15) credit hours thereafter or the equivalent, as defined by the Department of Higher Education, in a program of study that leads to or is creditable toward a baccalaureate degree, an associate degree in nursing, or a nursing school diploma.

(B) A recipient receiving an Arkansas Academic Challenge Scholarship for the eighth semester shall not be required to be enrolled in fifteen (15) hours and shall be considered a "full-time undergraduate student" if the recipient is enrolled in the appropriate number of course credit hours to earn a degree or diploma at the end of that semester;

(5) "Recipient" means an applicant awarded a scholarship funded through the program;

(6) "Tuition" means charges levied for attendance at an approved institution, including mandatory fees charged to all full-time undergraduate students by an approved institution; and

(7) "Unemancipated child" means a dependent child as defined by the United States Department of Education for student aid purposes.

6-85-105. Authority of Department of Higher Education.

(a) The Department of Higher Education is authorized by this subchapter to develop and promulgate rules for the administration of the Arkansas Academic Challenge Scholarship Program, consistent with the purposes and requirements of this subchapter.

(b) The rules shall include student eligibility criteria based on the provisions of this subchapter, the method for selecting scholarship recipients, rules for determining continuing eligibility, procedures for making payment to recipients, and other administrative procedures that may be necessary for the implementation and operation of the program.

(c) Until the end of fiscal year 2011, the Department of Higher Education is authorized to expend each year for data processing and other administrative costs of this program up to one and five-tenths percent (1.5%) of the amount appropriated for the programs.

(d) Applicants must certify that they are drug-free and must pledge in writing on the application form to refrain from the use or abuse of illegal substances in order to maintain eligibility for this program.

(e)(1) The Department of Education and the Department of Higher Education are directed to develop appropriate informational materials on the Arkansas Academic Challenge Scholarship Program and to ensure their distribution to Arkansas students in grades seven through twelve (7-12) each year as part of the packet of materials on precollegiate preparation distributed by the Department of Education as mandated by § 6-61-217.

(2) The distribution of information shall be accomplished through the collaboration of school counselors and other appropriate school personnel.

(f) The Director of the Department of Higher Education is authorized to review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this subchapter.

(g) The Department of Higher Education is authorized to determine the necessary procedures for the awarding of scholarships should the number of eligible applicants exceed the funds available.

(h) The Department of Higher Education shall report to the General Assembly annually regarding the implementation of the provisions of this subchapter.

#### 6-85-106. Eligibility.

(a) Eligibility for the Arkansas Academic Challenge Scholarship Program is based on the criteria under this section and rules promulgated under this subchapter by the Department of Higher Education.

(b) An applicant is eligible for an award from this program if the applicant meets all of these criteria:

(1) The applicant graduated from an Arkansas high school;

(2) The applicant has been a resident of the State of Arkansas for at least twelve (12) months before graduation from an Arkansas high school, and the applicant's parent or guardian has maintained Arkansas residency for the same period of time;

(3) The applicant is a citizen of the United States or is a lawful permanent resident;

(4) The applicant is accepted for admission at an approved institution as a full-time first-time freshman as defined by the department and enrolls in an approved institution within twelve (12) months of the applicant's high school graduation;

(5)(A)(i) Except as provided in subdivision (b)(5)(B) of this section, the applicant has successfully completed the core curriculum established by the State Board of Education and the Arkansas Higher Education Coordinating Board under § 6-61-217.

(ii) An applicant who graduates from an Arkansas high school on or before December 31, 2009, and who meets the provisions of subdivisions (b)(1)-(4) of this section but who has not completed the core curriculum defined in this subdivision (b)(5)(A) by the end of the senior year of high school due to the unavailability of the courses in the applicant's high school shall have a grace period of twelve (12) months from the date of high school graduation in which to make up any course deficiencies required for program eligibility.

(B) An applicant who graduates from an Arkansas high school after December 31, 2009, shall have:

(i) Successfully completed the Smart Core Curriculum as established by the Department of Education; and

(ii)(a) Demonstrated proficiency in the application of knowledge and skills in reading and writing literacy and mathematics by passing the end-of-course assessments developed by the Department of Education.

(b) "End-of-course" assessments means those assessments defined in § 6-15-419.

(C) All applicants shall have achieved:

(i) Either:

(a) A grade point average of 3.0 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved four-year institution; or

(b) A grade point average of 2.75 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved two-year institution; and

(ii) A minimum composite score of nineteen (19) or higher on the American College Test or the equivalent as defined by the Department of Higher Education.

(D)(i) The grade point average requirements of subdivision (b)(5)(C) of this section may be reduced to no lower than a 2.5 on a 4.0 scale by a rules change by the Department of Higher Education if it is determined by the department, based on the most recent evaluation of the program's operation, that the change to a 3.0 or 2.75 grade point average on a 4.0 scale would unduly reduce the number of low-income or disadvantaged students who would otherwise be eligible for the program.

(ii) At the Department of Higher Education's discretion, the Department of Higher Education may make the reduction for admissions to institutions with a high percentage of students receiving full Pell Grants upon petition to the Department of Higher Education by the institution.

(E)(i) The Department of Higher Education may develop selection criteria through program rules that combine an applicant's American College Test or equivalent score and grade point average in the core curriculum into a selection index.

(ii) Notwithstanding the provisions of subdivision (b)(5)(D) of this section, this selection index shall be employed as an alternative selection process for applicants who achieve a grade point average higher than 2.75 if attending an approved two-year institution or 3.0 if attending a four-year institution on a 4.0 scale in the set of core curriculum courses defined in subdivision (b)(5)(A) of this section or for applicants who have an American College Test composite or equivalent score greater than nineteen (19).

(6)(A) An applicant shall demonstrate financial need as defined by the Department of Higher Education.

(B) The department shall use the following criteria in calculating financial need for applicants who graduated from an Arkansas high school after December 31, 2000, but before December 31, 2004:

(i) An applicant whose family includes one (1) unemancipated child shall have average family adjusted gross income over the previous two (2) years not exceeding fifty thousand dollars (\$50,000) per year at the time of application to the program;

(ii) An applicant whose family includes two (2) unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding fifty-five thousand dollars (\$55,000) per year at the time of application to the program;

(iii) An applicant whose family includes three (3) or more unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding sixty thousand dollars (\$60,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child; and

(iv) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution when the Department of Higher Education calculates financial need.

(C) In calculating financial need for applicants who graduate from an Arkansas high school after December 31, 2006, a Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid shall be filed by the applicant or other proof of family income as defined by the Department of Higher Education. The following criteria shall be used:

(i) An applicant whose family includes one (1) unemancipated child shall have an average family adjusted gross income over the previous two (2) years not exceeding sixty-five thousand dollars (\$65,000) per year at the time of application to the program;

(ii) An applicant whose family includes two (2) unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy thousand dollars (\$70,000) per year at the time of application to the program;

(iii) An applicant whose family includes three (3) or more unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy-five thousand dollars (\$75,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child; and

(iv) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution of higher education when the Department of Higher Education calculates financial need.

(c)(1) The Arkansas Higher Education Coordinating Board shall have the authority to increase these financial need family income limitations if sufficient additional funds become available.

(2) Financial need criteria necessary for the selection of recipients, including those defined as emancipated or independent by federal student aid regulations, shall be established through rules issued by the department.

(d) Recipients of Arkansas Governor's Distinguished Scholarships are prohibited from receiving Arkansas Academic Challenge Scholarships.

(e) As an additional component to the Arkansas Academic Challenge Scholarship:

(1) Each applicant for the scholarship shall agree that for each year the scholarship is awarded he or she may volunteer to serve as a literacy tutor for a minimum of twenty (20) clock hours each semester in a public school or a faith-based educational institution serving students in prekindergarten through grade six (preK-6);

(2) A recipient who agrees to volunteer as a literacy tutor:

(A) Shall complete the prerequisite training in literacy and college readiness skills provided under § 6-85-107(c) before he or she begins tutoring;

(B) May receive college credit for the tutoring as determined by the institution of higher education where the recipient is enrolled and

(C) Shall receive the prerequisite training in literacy and college readiness from an accredited Arkansas institution of higher education based on training modules developed by the Department of Education.

(3) An enrolled college student who participates in the tutorial program and fails to meet the Arkansas Academic Challenge Scholarship academic eligibility requirement for the fall or spring semester shall be given the probationary opportunity during the subsequent spring or summer term to continue his or her education and improve academic performance prior to losing scholarship funding in the subsequent semester.

6-85-107. Duration — Amount.

(a) A recipient who graduated from high school after December 31, 2000, shall receive a scholarship for one (1) academic year renewable for up to three (3) additional academic years if the recipient meets the following continuing eligibility criteria:

(1) The recipient earns a cumulative grade point average of 2.75 or higher based on a 4.0 scale at an approved institution;

(2) The recipient has completed a total of at least twenty-seven (27) hours during the first full academic year and a total of at least thirty (30) hours per academic year thereafter; and

(3) The recipient meets any other continuing eligibility criteria established by the Department of Higher Education.

(b)(1) Beginning with awards made for the 2005-2006 academic year and thereafter for recipients who graduated from high school after December 31, 2001, the amount of the annual scholarship awarded to each recipient shall be graduated as follows:

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

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

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

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

(2) A recipient under this subchapter shall receive the greater of the award under subdivision (b)(1) of this section or the award amount for the same academic year for a full-time recipient under the Arkansas Academic Challenge Scholarship Program – Part 2, § 6-85-201 et seq.

6-85-108. Nursing school eligibility.

(a)(1) The General Assembly recognizes that the State of Arkansas is experiencing a critical shortage of nurses; and

(2) It is the intent of this section to allow the Department of Higher Education the opportunity to include associate degree granting and diploma schools of nursing in the Arkansas Academic Challenge Scholarship Program under specific circumstances.

(b) The department shall make awards to applicants attending either an associate degree or diploma school preparing registered nurses that is approved by the Arkansas State Board of Nursing and which would not otherwise be an approved institution if:

(1) The applicant has qualified for an Arkansas Academic Challenge Scholarship and is simultaneously enrolled in an approved two-year college or a four-year college or university prior to or at the time of entry into the nursing school and the applicant then transfers the scholarship to an approved school of nursing after completing the two-year requirements as set forth by the department's rules and regulations;

(2) The nursing school has been approved by the Arkansas State Board of Nursing and is specifically recognized by the department as a school of nursing eligible to participate in the Arkansas Academic Challenge Scholarship Program; and

(3) The recipient meets continuing eligibility requirements in § 6-85-106.

(c) The scholarships awarded to recipients under this section shall be subject to § 6-85-105(g).

(d) The Arkansas Higher Education Coordinating Board and the department shall promulgate rules necessary for the implementation of this section.

6-85-109. Priority for teaching commitment.

(a) During times of funding shortages under the Arkansas Academic Challenge Scholarship Program, the Department of Higher Education shall give a priority to awards to applicants meeting all eligibility requirements under the program who agree to accept a forgivable loan, as set forth in this section in lieu of a scholarship, and who agree to teach, as required under § 6-85-110, in a:

(1) Subject matter area designated by the Department of Education as having a critical shortage of teachers; or

(2) Geographical area of the state designated by the Department of Education as having a critical shortage of teachers.

(b) The Department of Higher Education shall make awards under this subchapter as follows:

(1) First, to applicants who agree to the provisions of this section; and

(2) Then to applicants eligible under § 6-85-106(b).

(c) Forgivable loans awarded under this section shall be paid from appropriations to the program.

6-85-110. Teaching requirements.

(a)(1) At the beginning of the first school year in which a recipient of a forgivable loan under § 6-85-109 is eligible for employment as a licensed teacher, that recipient shall begin to render service as a licensed teacher in a public school district in the state:

(A) In a subject matter area designated by the Department of Education as having a critical shortage of teachers if the recipient's award was made under § 6-85-109(a)(1); or

(B) In a geographical area of the state designated by the Department of Education as having a critical shortage of teachers if the recipient's award was made under § 6-85-109(a)(2).

(2)(A) Any recipient receiving a forgivable loan under § 6-85-109 who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render four (4) years' service as a licensed teacher.

(B) Any person who received a forgivable loan under § 6-85-109 in an amount less than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) year's service as a licensed teacher for each year that the person received a full-time student forgivable loan or for the number of academic hours equivalent to one (1) school year, as determined by the Department of Higher Education, for which a part-time student received a forgivable loan.

(b) Any person receiving a forgivable loan shall execute a note made payable to the Department of Higher Education for an amount equal to the scholarship award each semester that shall bear interest at a rate to be determined by the Department of Higher Education and set forth in the note after completion of the program or immediately after termination of the forgivable loan, whichever is earlier.

(c) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the terms of the note for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered.

(d)(1) Except as provided in subdivision (d)(2) of this section, any person failing to complete the teaching obligation as required by this subchapter shall become immediately liable to the Department of Higher Education for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered according to the note's terms.

(2) The Department of Higher Education may defer payment on the note if an employment position is not immediately available upon a teacher's completion of licensure requirements or for other just cause as determined by the Department of Education.

(3) After the period of deferral, the person shall begin or resume teaching duties as required under this section or shall become liable to the Department of Higher Education under this section.

(e) If a claim for payment under this section is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(f) The obligations made by the recipient of a forgivable loan under § 6-85-109 and this section shall not be voidable by reason of the age of the student at the time of receiving the forgivable loan award.

6-85-111. End-of-course assessment requirements.

The Department of Higher Education may recognize a sub-score of nineteen (19) or higher in the applicable subject area on the American College Test as meeting the requirements for passing end-of-course assessments under the Arkansas Academic Challenge Scholarship Program and the Arkansas Governor's Scholars Program for a student who:

- (1) Has not had an opportunity to take an end-of-course assessment;
- (2) Has not passed the end-of-course assessment; or
- (3) Is attending a private school or home school.

SUBCHAPTER 2

ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM — PART 2

6-85-201. Findings.

The General Assembly finds that:

- (1) In approving Arkansas Constitution, Amendment 87, the citizens of this state provided an opportunity to increase the resources provided for higher education scholarships and grants through a state lottery; and
- (2) The net proceeds from the state lottery, in addition to existing nonlottery state educational resources for scholarships and grants, will:
  - (A) Encourage associate degree recipients and university juniors to complete a baccalaureate degree;
  - (B) Provide opportunities for students more than one (1) year out of high school to enter or reenter higher education;
  - (C) Provide an improved system of communication to students and parents about opportunities for higher education scholarships and grants in Arkansas; and
  - (D) Provide an evaluation and analysis of all state funding for scholarships and grants and how the funding advances the state's goals for higher education.

6-85-202. Creation.

The Arkansas Academic Challenge Scholarship Program — Part 2 is hereby created and established.

6-85-203. Applicability.

(a) This subchapter is applicable to students who apply for a scholarship under the Arkansas Academic Challenge Scholarship Program — Part 2 for the academic year 2010-2011, and each academic year thereafter.

(b) Except to the extent of an award amount under § 6-85-107(b)(2), a recipient of a scholarship under the Arkansas Academic Challenge Scholarship Program — Part 1, § 6-85-101 et seq., is not eligible for an additional scholarship under this subchapter.

(c) Recipients of Arkansas Governor's Distinguished Scholarships are prohibited from receiving Arkansas Academic Challenge Scholarships under this subchapter.

6-85-204. Definitions.As used in this subchapter:

- (1) "ACT" means the ACT Assessment administered by ACT, Inc.;
- (2) "ACT equivalent" means the Scholastic Aptitude Test (SAT), COMPASS, Accuplacer, or other nationally normed test that is correlated with the ACT and approved by the Department of Higher Education for use by institutions of higher education to assess a person's college readiness;
- (3) "Approved institution of higher education" means an institution of higher education approved by the Department of Higher Education to participate in the Arkansas Academic Challenge Scholarship Program — Part 2 and that is:
- (A) A state-supported two-year or four-year college or university; or
- (B) A private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds;
- (4) "General Educational Development test" means a test measuring the knowledge and skills usually learned in high school that is administered by a state-approved institution or organization;
- (5) "High school grade point average" means the numbered grade average on a student's high school transcript calculated using the first seven (7) of the last eight (8) semesters the student completed prior to graduating high school;
- (6) "Lawful permanent resident" means a non-United States citizen who resides in the United States under a legally recognized and lawfully recorded permanent residence and who may receive state public benefits under 8 U.S.C. § 1622;
- (7) "Net proceeds from the state lottery" means lottery proceeds less operating expenses, as defined in § 23-115-103;
- (8) "Nonlottery state educational resources" means the funding available for state-supported scholarships and grants for students enrolled in two-year and four-year institutions of higher education in this state that:
- (A) The General Assembly makes available from general revenue to the Higher Education Grants Fund Account without consideration of the availability of proceeds from the state lottery; and
- (B) The Department of Finance and Administration estimates is available for distribution to the Higher Education Grants Fund Account during a fiscal year from the Educational Excellence Trust Fund;
- (9) "Nontraditional student" means a student who is not a traditional student;
- (10) "Personally identifiable student data" means any information that, alone or in combination with other available information, is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty;
- (11) "Postsecondary grade point average" means the cumulative numbered grade average for college credit courses as calculated using a 4.0 scale;
- (12) "Qualified certificate program" means a program that is:
- (A) Offered by an approved institution of higher education;
- (B) Shorter in duration than an associate degree for which credit hours are awarded that are creditable toward an associate degree; and
- (C) Recognized by the United States Department of Education for financial aid purposes;
- (13) "Recipient" means an applicant awarded a scholarship funded through the program;
- (14) "State-supported student financial assistance" means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement funded with state funds or net proceeds from the state lottery awarded by:
- (A) The Department of Higher Education; or

(B) A scholarship or grant awarded by an institution of higher education in this state in whole or in part by state funds, including without limitation:

(i) Scholarships awarded on the basis of entrance exam scores or high school academic achievement;

(ii) Tuition waivers based on age, military service, occupation, or other factors;

(iii) Out-of-state tuition waivers for undergraduate students from contiguous states in close proximity to a college or university;

(iv) Scholarships for transfers from two-year institutions;

(v) Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and

(vi) Any other publicly-funded program under which students are not charged or are reimbursed by the institution of higher education for tuition, fees, books, or other costs of attendance; and

(15) "Traditional student" means a student who will enter postsecondary education as a full-time first-time freshman within twelve (12) months after graduating from high school and remains continuously enrolled as a full-time student.

6-85-205. Authority and duties of the Department of Higher Education.

(a)(1) The Department of Higher Education shall develop and promulgate rules for the administration of the Arkansas Academic Challenge Scholarship Program consistent with the purposes and requirements of this subchapter.

(2) At least ten (10) business days before the date the Department of Higher Education files with the Bureau of Legislative Research under § 25-15-204 a proposed rule or proposed change to a rule promulgated under this subchapter, the Department of Higher Education shall file a copy of the proposed rule or proposed change to a rule with the Arkansas Lottery Commission Legislative Oversight Committee.

(b) The rules developed and promulgated by the Department of Higher Education under this section shall pertain to:

(1) Student eligibility criteria based on this subchapter;

(2) The method for selecting scholarship recipients and for determining continuing eligibility;

(3) The procedures for making payment to an approved institution of higher education where the recipient is enrolled; and

(4) Other administrative procedures that may be necessary for the implementation and operation of the program.

(c) The Department of Higher Education shall implement a complete financial aid management system that uses a single application form that may be accessed as a web-based application for all Arkansas state-supported student financial assistance administered by the Department of Higher Education, including:

(1) Scholarships awarded under this subchapter or other state law that are funded with net proceeds from the state lottery; and

(2) Scholarships, grants, or other financial assistance for higher education students funded with nonlottery state educational resources.

(d)(1) The Department of Education and the Department of Higher Education are directed to develop appropriate informational materials on the Arkansas Academic Challenge Scholarship Program and to ensure distribution of the materials to Arkansas students in grade seven through grade twelve (7-12) each year as a part of the packet of materials on precollegiate preparation distributed by the Department of Education as required by § 6-61-217.

(2) The distribution of materials shall be accomplished through the collaboration of school counselors and other appropriate public school or Department of Higher Education personnel.

(e) The Director of the Department of Higher Education shall review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this subchapter.

(f) The Department of Higher Education may determine the necessary procedures for the awarding of scholarships if the number of eligible applicants exceeds the funds available based on the criteria under this subchapter.

(g)(l) The Department of Higher Education shall report to the General Assembly annually regarding the implementation of this subchapter.

(2) By August 1 of each year, the Department of Higher Education shall provide to the Arkansas Lottery Commission Legislative Oversight Committee an unaudited financial report on the administration of the Arkansas Academic Challenge Scholarship Program for the fiscal year just ended.

6-85-206. Basic eligibility requirements.

The basic requirements for an applicant to be eligible for an award from the Arkansas Academic Challenge Scholarship Program — Part 2 are:

(1)(A) The applicant has been an Arkansas resident for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education, and if the applicant is less than eighteen (18) years of age, a parent or guardian of the applicant or a combination of the applicant and a parent or guardian of the applicant has maintained Arkansas residency for the same period of time.

(B) To be considered an Arkansas resident, an applicant shall demonstrate residency by evidence deemed sufficient to the Department of Higher Education, including without limitation information provided by the applicant on the Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid;

(2) The applicant is a citizen of the United States or is a lawful permanent resident;

(3)(A) The applicant is accepted for admission at an approved institution of higher education as a full-time student or part-time student in a program of study that leads to or is creditable toward:

(i) A baccalaureate degree;

(ii) An associate degree;

(iii) A certificate from a qualified certificate program; or

(iv) A nursing school diploma or associate degree

under § 6-85-213.

(B) A full-time student shall enroll in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this subchapter, or the equivalent as defined by the Department of Higher Education.

(C) A part-time student shall complete at least six (6) semester hours but fewer than the minimum number of semester hours for a full-time student, as defined by the Department of Higher Education;

(4) The applicant has not earned a baccalaureate degree;

(5) The applicant does not owe a refund on a federal or state student financial aid grant for higher education;

(6) The applicant is not in default on a state or federal student financial aid loan for higher education;

(7) The applicant has not borrowed, as determined by the approved institution of higher education to be attended, in excess of the annual loan limits under the Federal Family Educational Loan Program Systems, William D. Ford Federal Direct Loan Program, Income Contingent Loan Demonstration Program, Stafford Loan Program, Parent Loan for Undergraduate Students Program, or Supplemental Loan for Students Program in the same academic year for which the student has applied for assistance under this subchapter;

(8) The applicant is not incarcerated at the time of the application for or during the time the applicant receives a scholarship under this subchapter;

(9) The applicant has complied with United States Selective Service System requirements for registration;

(10) The applicant has completed and submitted to the United States Department of Education a Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid; and

(11) The applicant certifies that he or she is drug-free and pledges in writing on the application form to refrain from the use or abuse of illegal substances in order to become eligible and maintain eligibility for this program.

6-85-207. Additional eligibility requirements for traditional students.

In addition to the requirements of §6-85-206, an applicant is eligible as a traditional student if the applicant:

(1)(A) Graduated from an Arkansas public high school and has:

(i) Successfully completed the Smart Core curriculum established by the Department of Education; and

(ii) Either:

(a) Achieved a high school grade point average of at least 2.5; or

(b) Had a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent.

(B) Graduated from an Arkansas public high school before the 2013-2014 school year, but did not complete the Smart Core curriculum, he or she shall have achieved a high school grade point average of at least 2.5 and either:

(i) Have a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(ii) Scored proficient or higher on all state-mandated end-of-course assessments, including without limitation, end-of-course assessments on:

(a) Algebra I;

(b) Geometry;

(c) Biology; and

(4) Literacy, beginning with the 2013-2014 school year;

(2) Graduated from an Arkansas public high school that is annually identified in the report by the Department of Education under § 6-15-421 as a school in which twenty percent (20%) or more of the students received a letter grade of "B" or higher but did not score proficiency or higher on the end-of-course assessment on the first attempt, whether or not the applicant completed the Smart Core curriculum, achieved a high school grade point average of at least 2.5 and either:

(A) Has a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(B) Scores proficient or higher on all state-mandated end-of-course assessments, including without limitation, end-of-course assessments on:

(i) Algebra I;

(ii) Geometry;

(iii) Biology; and

(iv) Literacy, beginning with the 2013-2014 school year.

(3) Has a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on July 1, 2009, and graduated from an Arkansas public high school but did not complete the Smart Core curriculum because the applicant's individualized education program under § 6-41-217 did not require it, achieved a high school grade point average of at least 2.5 and either:

(A) Has a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(B) Scored proficient or higher on all state-mandated end-of-course assessments, including without limitation, end-of-course assessments on:

(i) Algebra I;

(ii) Geometry;

(iii) Biology; and

(iv) Literacy, beginning with the 2013-2014 school year.

(4) An applicant who graduated from a private or out-of-state high school or completed a high school curriculum at a home school shall have achieved a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent.

6-85-208. Additional eligibility requirements for a nontraditional student.

(a) An applicant is eligible as a nontraditional student if, in addition to the requirements of § 6-85-206, the applicant:

(1)(A) Graduated from an Arkansas high school and achieved a 2.5 high school grade point average; or

(2) Had a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or

(3) Has completed at least twelve (12) semester hours of courses granting three (3) or more hours of credit at an approved institution of higher education and earned a postsecondary grade point average of at least 2.5.

(b) A nontraditional student applicant who graduated from a private or out-of-state high school or completed a high school curriculum at a home school shall have achieved a minimum composite score of nineteen (19) on the ACT or the equivalent score on an ACT equivalent.

6-85-209. Additional eligibility requirements for a student near completion.

In addition to the requirements of § 6-85-206, an applicant is eligible as a student near completion if at the time of applying for the scholarship the applicant:

(1) Is enrolled in a two-year or four-year approved institution of higher education;

(2) Is within twenty-five percent (25%) of the requirements for completion of an associate degree or baccalaureate degree; and

(3) Has achieved a postsecondary grade point average of at least 2.5.

6-85-210. Continuing eligibility.

(a) A recipient who meets continuing eligibility criteria under this subchapter shall receive a scholarship for one (1) academic year renewable annually until the recipient first:

(1) Earns a baccalaureate degree;

(2)(A) Attempts a total of one hundred thirty (130) semester hours in eight (8) semesters at any approved institution of higher education as an undergraduate full-time student.

(B) If the recipient's undergraduate degree requires additional hours, the Department of Higher Education, in conjunction with the institution of higher education where the recipient is enrolled, shall determine the maximum period of time for renewal of the scholarship; or

(3) Attempts a total of one hundred thirty (130) semester hours in sixteen (16) semesters at any approved institution of higher education as an undergraduate part-time student.

(b) To maintain eligibility for an Arkansas Academic Challenge Scholarship under this subchapter, a recipient shall meet the following requirements:

(1) A recipient shall continue to meet the eligibility requirements of this subchapter while a recipient of a scholarship under this subchapter;

(2)(A)(i) A recipient shall meet the satisfactory academic progress standards required to receive other financial aid at the approved institution of higher education where the recipient is enrolled, as determined by the Department of Higher Education in conjunction with the institution of higher education where the recipient is enrolled.

(ii) By accepting scholarship funds under this subchapter, the receiving institution certifies that students will be enrolled in courses that will meet satisfactory academic progress standards leading toward a certificate, an associate degree, or a baccalaureate degree.

(B) A recipient shall be continuously enrolled unless the Department of Higher Education has approved a leave of absence for:

(i) A medical condition of the student or a member of the student's immediate family;

(ii) A personal or family emergency;

(iii) Military service under § 6-61-112;

(iv) A commitment for twelve (12) months or more for community, national, or global humanitarian service; or

(v) Any other reason approved by the Department of Higher Education.

(C)(i) A traditional student recipient is continuously enrolled in an approved institution of higher education if he or she completes twenty-seven (27) semester hours in the first year as a recipient and completes thirty (30) semester hours each academic year thereafter.

(ii) A nontraditional student recipient is continuously enrolled if he or she maintains at an approved institution of higher education in consecutive semesters, not including any summer term:

(a) Full-time enrollment if the student receives a scholarship under this subchapter for a full-time student; or

(b) Part-time enrollment if the student is receiving a scholarship under this subchapter for a part-time student;

(3) A recipient who enrolls in one (1) or more remedial courses shall complete all remedial courses required by the approved institution of higher education by the time the student completes the first thirty (30) semester hours attempted after receiving the scholarship;

(4) A recipient shall earn a postsecondary grade point average of 2.5 or higher at an approved institution of higher education;

(5) A recipient shall be enroll in courses that lead toward a baccalaureate degree program after attempting the lesser of:

(A) Sixty-six (66) semester hours; or

(B) The completion of an associate degree program, unless the number of hours required to complete the associate degree program exceeds sixty-six (66) semester hours, in which case, the higher number of hours for completion shall be used for this subdivision (b)(5); and

(6) A recipient shall meet any other continuing eligibility criteria established by the Department of Higher Education.

(c)(1) If a recipient becomes ineligible for the scholarship because the recipient's postsecondary grade point average no longer meets the minimum requirement for the scholarship, the recipient may regain eligibility under this subsection (c) one (1) time only.

(2) Except as provided under § 6-85-211(a)(3) and unless the requirements of this subsection are waived by the Department of Higher Education, to regain eligibility for the scholarship:

(A) A full-time student shall:

(i) Complete at least fifteen (15) semester hours of courses for credit for which the approved institution of higher education certifies that the courses meet the satisfactory academic progress standards of the institution; and

(ii) Achieve a 2.5 grade point average for the semester hours completed under this subdivision; and

(B) A part-time student shall:

(i) Complete at least six (6) semester hours of courses for credit for which the approved institution of higher education certifies that the courses meet the satisfactory academic progress standards of the institution; and

(ii) Achieve a 2.5 grade point average for the semester hours completed under this subdivision.

(d)(1) If a recipient becomes ineligible for the scholarship because the recipient has not completed the required number of hours for continuing eligibility, the recipient may regain eligibility under this subsection (d) for one (1) time only.

(2)(A) Except as provided under § 6-85-211(a)(3) and unless the requirements of this subsection are waived by the Department of Higher Education, to regain eligibility for the scholarship, the recipient shall complete the number of hours needed to regain eligibility.

(B) The recipient shall complete the required number of hours during the summer term at the student's own expense.

(e) If a recipient is subject to losing a scholarship under subsection (c) or (d) of this section due to a catastrophic event experienced by the recipient or a family member of the recipient, the department may waive the requirements of this subsection and determine the appropriate requirements for the recipient to either retain or regain the scholarship.

#### 6-85-211. Literacy tutoring.

(a) As an additional component to the Arkansas Academic Challenge Scholarship:

(1) Each applicant for the scholarship shall agree that for each year the scholarship is awarded he or she may volunteer to serve as a literacy tutor for a minimum of twenty (20) clock hours each semester in a public school or a faith-based educational institution serving students in prekindergarten through grade six (preK-6);

(2) A recipient who agrees to volunteer as a literacy tutor:

(A) Shall complete the prerequisite training in literacy and college readiness skills provided under this section before he or she begins tutoring; and

(B) May receive college credit for the tutoring as determined by the institution of higher education where the recipient is enrolled; and

(3) An enrolled college student who participates in the tutorial program and fails to meet the academic eligibility requirement under this subchapter for the fall or spring semester shall be given the probationary opportunity during the subsequent spring or summer term to continue his or her education and improve academic performance before losing scholarship funding in the subsequent semester.

(b) A recipient who agrees to volunteer as a literacy tutor under this section shall receive the prerequisite training in literacy and college readiness from an approved institution of higher education based on training modules developed by the Department of Education.

6-85-212. Scholarship award amounts.

(a)(1) The General Assembly may use net proceeds from the state lottery to fund the scholarships awarded under this subchapter and to supplement the state-supported student financial assistance that the General Assembly determines are necessary to meet the state's objective for broadening and increasing access of Arkansas citizens to higher education.

(b) Net proceeds from the state lottery used to fund scholarships under this subchapter shall:

(1) Be used exclusively for the purposes set out in Amendment 87 of the Arkansas Constitution and this subchapter; and

(2) Supplement and shall not supplant nonlottery state educational resources.

(c) It is General Assembly's intent that before increasing award amounts for scholarships under this subchapter, the number of scholarships awarded to nontraditional students under § 6-85-208 and to students near completion under § 6-85-209 be increased.

(d) The scholarships established under this subchapter are subject to available funding and do not create for any student an entitlement to financial assistance to enable the student's attendance at an approved institution of higher education.

(e)(1) For the 2010-2011 academic year, the General Assembly shall determine the scholarship award amount by February 28, 2010, based on the amount of net proceeds from the state lottery reasonably projected to be available for scholarships in the 2010-2011 academic year.

(2)(A) The Department of Higher Education shall award an aggregate amount of scholarship awards to nontraditional students beginning with the 2010-2011 academic year up to eight million dollars (\$8,000,000).

(B) Priority for scholarships awarded to nontraditional students is based on the applicant's level of progress toward completion of a certificate, an associate degree, or a baccalaureate degree, or on other criteria established by the Department of Higher Education.

(3) The scholarship award for a full-time student enrolled in a two-year approved institution of higher education is one-half (1/2) of the scholarship award amount for a full-time undergraduate student enrolled in a four-year approved institution of higher education.

(4)(A) The scholarship award amount for a part-time recipient shall be:  
(i) One-half of the award amount for a full-time recipient, if the recipient is enrolled in six (6) semester hours but less than nine (9) semester hours; or

(ii) Three-quarters (3/4) of the award amount for a full-time recipient, if the recipient is enrolled in nine (9) semester hours but less than the number of hours required for a full-time recipient.

(B) The per semester hour award amount is calculated as the per-semester hour amount of an award to a traditional student based on fifteen (15) semester hours as calculated by the Department of Higher Education;

(c)(1) By November 1 of each year, the Arkansas Lottery Commission Legislative Oversight Committee shall provide to the General Assembly its recommendations for any changes to the:

(A) Award amounts;

(B) Number or type of scholarships; and

(C) Eligibility requirements.

(2) The committee may base its recommendations for scholarship award amounts on the following guidelines and any additional information the committee finds relevant to making the recommendations:

<u>Annual 2-yr institution award amount</u>	<u>Annual 4-yr institution award amount</u>	<u>If net lottery proceeds are greater than</u>	<u>Or equal to</u>
<u>\$1,250</u>	<u>\$2,500</u>	<u>\$ 49,308,626</u>	<u>\$ 60,405,551</u>
<u>\$1,500</u>	<u>\$3,000</u>	<u>\$ 60,405,551</u>	<u>\$ 71,502,476</u>
<u>\$1,750</u>	<u>\$3,500</u>	<u>\$ 71,502,476</u>	<u>\$ 82,599,401</u>
<u>\$2,000</u>	<u>\$4,000</u>	<u>\$ 82,599,401</u>	<u>\$ 93,696,326</u>
<u>\$2,250</u>	<u>\$4,500</u>	<u>\$ 93,696,326</u>	<u>\$104,793,251</u>
<u>\$2,500</u>	<u>\$5,000</u>	<u>\$104,793,251</u>	<u>\$115,890,177</u>
<u>\$2,750</u>	<u>\$5,500</u>	<u>\$115,890,177</u>	<u>\$126,987,102</u>
<u>\$3,000</u>	<u>\$6,000</u>	<u>\$126,987,102</u>	

(d) After the 2010-2011 academic year, the determination of the amount of net proceeds from the state lottery available for each semester is based on the Arkansas Lottery Commission's certification of net proceeds made in July of the immediately preceding calendar year.

(e) The department shall ensure that sufficient funds remain available to pay for scholarship awards through anticipated completion of the degree or certificate a recipient is seeking and report the balance of those funds to the General Assembly before the amount of awards under this subchapter are increased by the General Assembly.

(f) All awards under this subchapter are subject to the prohibition under § 6-80-105 against using public funds in a student financial package in excess of the recognized cost of attendance at the institution where the student is enrolled.

(g)(1) If the department has less than a sufficient amount to provide for the scholarship commitments under this subchapter, the department first shall use the department's Scholarships and Grants Contingency Appropriation to fund the shortfall.

(2) The department then shall give priority for continued financial support under this subchapter to a recipient who has continuing eligibility superior to first-time applicants.

(3) If the funding is still insufficient to fully fund the scholarships created under this subchapter, the department shall award scholarships after considering applicants:

(A) With the highest level of progress toward completion of a certificate, an associate degree, or a baccalaureate degree;

(B) With the highest high school or postsecondary grade point average, as applicable to the applicant; and

(C) Who are enrolled in or intend to enroll in an program of study that is:

(i) In an area of critical workforce need as determined by the department; or

(ii) Is in a science, technology, engineering, or mathematics field.

6-85-213. Nursing school eligibility.

(a)(1) The General Assembly recognizes that the State of Arkansas is experiencing a critical shortage of nurses.

(2) It is the intent of this section to allow the Department of Higher Education the opportunity, under specific circumstances, to include a school of nursing that:

(A) Prepares students as registered nurses;

(B) Grants associate degrees or nursing diplomas;

(C) Is approved by the Arkansas State Board of Nursing; and  
(D) Would not otherwise be an approved institution of higher education in the Arkansas Academic Challenge Scholarship Program.

(b)(1) The department shall make awards to applicants attending a school of nursing under this section if:

(A) The applicant has qualified for an Arkansas Academic Challenge Scholarship and is simultaneously enrolled in an approved two-year college or a four-year college or university before or at the time of entry into the nursing school and the applicant then transfers the scholarship to an approved school of nursing after completing the two-year requirements under the department's rules;

(B) The nursing school has been approved by the board and is specifically recognized by the department as a school of nursing eligible to participate in the Arkansas Academic Challenge Scholarship Program; and

(C) The recipient meets continuing eligibility requirements in § 6-85-210.

(2) The department shall pay scholarship awards under this section only from nonlottery state educational resources.

6-85-214. Accountability — Transparency — Legislative oversight.

(a) The General Assembly finds that:

(1) The continual evaluation of the Arkansas Academic Challenge Scholarship Program and of all state-supported scholarship and grant programs by the General Assembly is critical for maximizing the benefits to the state and its citizens of state financial aid for higher education and meeting state objectives for higher education; and

(2) Accountability and transparency in the implementation of state-supported scholarship programs are fundamental to a proper evaluation of the programs.

(b) The General Assembly finds that the collection of data and the reports required under §§ 6-85-215 — 6-85-220 are necessary to ensure accountability and transparency.

6-85-215. Student consent form.

(a)(1)(A) A student receiving any state-supported student financial assistance for which an institution of higher education is required to provide information under this section shall complete and sign a consent form authorizing the release of the student's individual personal information to the Bureau of Legislative Research and authorizing:

(i) The institution of higher education to provide the bureau with academic progress information for the scholarship recipient; and

(ii) The department to release the student's individual personal information to the bureau.

(B) If a student is less than eighteen (18) years of age, the student's parent or guardian shall complete and sign the consent form.

(2)(A) The student may opt out of the release of information. A decision to opt out applies only to the release of information under this section and does not apply to information released under any other section of this subchapter or under any other law.

(B) In order to provide better statistical data, each institution shall report the number of students who opt out.

(3) The consent form shall state that:

(i) The purpose for the bureau collecting data is to guide the General Assembly's evaluation of the need for adjustments to scholarship program eligibility and funding levels;

(ii) Personally identifiable student data will not be released by the bureau or the department; and

(iii) The student may opt out of the release of information, and that opting out will not affect the student's eligibility for a scholarship.

(4) The form shall list the categories of information authorized for release under this section.

(5) The Director of the Bureau of Legislative Research may:

(A) Seek an opinion from the Family Policy Compliance Office of the United States Department of Education concerning the student consent requirement and opt out under this section; or

(B) Request the Department of Higher Education to seek the opinion on behalf of the bureau.

(b) The information consented to be released by the student shall include:

(1) A unique student identifier;

(2) Status for Federal PELL grant;

(3) Postsecondary grade point average;

(4) Number of semester hours attempted;

(5) Number of semester hours completed;

(6) Gender, race, ethnicity, and age;

(7) High school graduated from or General Educational Development test score;

(8) High school grade point average; and

(9) ACT score or ACT equivalent score, if available.

(c) This section does not apply to scholarships or other forms of student financial assistance that are completely privately funded.

(d) Approved institutions of higher education shall undertake any procedures necessary to ensure the collection of the information under this section and shall provide it to the Bureau of Legislative Research in a mutually agreed upon electronic format by November 1 of each school year for students awarded for that academic year state-supported student financial assistance.

(e)(1) The student data provided to the bureau under this section are not subject to release under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) The bureau shall not release any personally identifiable student data received under this section.

(f) The bureau shall inform the Department of Higher Education of any data used in the preparation of reports and provide the department at least two (2) working days to review any student-related data used in preparation of reports before publicly releasing that student-related data without personally identifiable data.

6-85-216. Institution report to the department.

(a)(1) An approved institution of higher education that enrolls students receiving scholarships under this subchapter annually shall provide information, and semiannually provide updated information, to the Department of Higher Education regarding all state-supported student financial assistance whether or not the state-supported student financial assistance is awarded under this subchapter.

(2) The information shall be provided in the form of individual student records and shall include without limitation information regarding:

(A) State-supported student financial assistance;

(B) Demographic student data; and

(C) Disaggregated data on remedial courses.

(b) The department shall establish by rule the:

(1) Specific data required;

(2) Manner of reporting the information required; and

(3) Technology or software required for reporting.

(c) The department shall use the information provided under this section to conduct the research and analysis needed to support the annual report of the Director of the Department of Higher Education to the Arkansas Lottery Commission Legislative Oversight Committee under § 6-85-205.

6-85-217. Information provided to the bureau by the Department of Higher Education.

(a)(1) The Department of Higher Education shall provide to the Bureau of Legislative Research the following data when requested for the purpose of assisting the General Assembly with evaluation and analysis under this subchapter:

(A) Existing individual student data;

(B) Institutional data;

(C) Financial data;

(D) Aggregate student scholarship and grant application and award data; and

(E) Other data needed to track scholarship and grant students from year to year.

(b)(1) To maintain confidentiality of individual student records in accordance with the Family Educational Right to Privacy Act, 20 U.S.C. § 1232g, the Department of Higher Education shall establish a system for removing or recoding any personally identifiable student data in student records that are used by the bureau for research and evaluation of scholarships and grants funded with net proceeds from the state lottery and those funded with nonlottery state educational resources.

(2) The bureau shall assist the Department of Higher Education by providing input concerning the development or modification of the system.

(3)(A) The Director of the Bureau of Legislative Research may seek an opinion from Family Policy Compliance Office of the United States Department of Education concerning the department's system, any proposed modification of the system, or any request for information made by the bureau under this section.

(B) The director may request the Department of Higher Education to seek the opinion on behalf of the bureau.

(c) The Department of Higher Education shall make its staff reasonably accessible for consultation with the bureau's staff in developing and responding appropriately to bureau requests under this section.

(d)(1) The Department of Higher Education shall provide data to the bureau in a database or spreadsheet format.

(2) The Department of Higher Education shall provide other information and records requested by the bureau as soon as possible and in whatever reasonable form requested.

(e)(1) The student data provided to the bureau under this section are not subject to release under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) The bureau shall not release any personally identifiable student data received under this section.

(f) The bureau's staff shall inform the Department of Higher Education of any data used in the preparation of reports and provide the department at least two (2) working days to review any student-related data used in preparation of reports before publicly releasing that student-related data without personally identifiable student data.

6-85-218. Advisory council.

(a) An advisory council is created to provide recommendations to the Department of Higher Education and the Arkansas Lottery Commission Legislative Oversight Committee for the implementation of this subchapter.

(b) The advisory council shall be composed of the members determined under subsection (c) of this section and:

(1) One (1) member of the House of Representatives selected by the Speaker of the House of Representatives;

(2) One (1) member of the Senate selected by the Speaker Pro Tempore of the Senate; and

(3) The Director of the Bureau of Legislative Research, or his or her designee.

(c) The Department of Higher Education shall determine the remaining composition of the advisory council, which shall include without limitation representation from:

(1) The department;

(2) Institutions of higher education eligible to become approved for participation in the Arkansas Academic Challenge Scholarship Program Part 2;

(3) Professional associations for student financial aid administration and student services officers; and

(4) Any other group the department deems advisable.

(d) The director or his or her designee shall serve as chair of the advisory council and shall call meetings as need to fulfill the purpose of the advisory council.

(e) Members of the advisory council shall serve without compensation but may be reimbursed by the department for reasonable travel expenses incurred to attend meetings.

(f) By August 1, 2009, and as requested thereafter, the advisory council shall report its recommendations to the Arkansas Lottery Commission Legislative Oversight Committee.

#### 6-85-219. Reports to legislative committees.

(a)(1) Quarterly during fiscal years 2010 and 2011, the Department of Higher Education shall report to the Arkansas Lottery Commission Legislative Oversight Committee:

(A) The information required by subsection (b) of this section to the extent the information is available;

(B) The costs of administering scholarships funded with net proceeds from the state lottery;

(C) Projected levels of state funding for scholarships and grants;

(D) Recommendations for changes to the program, including without limitation, adjustments to eligibility requirements of the Arkansas Academic Challenge Scholarship Program and award levels; and

(E) Other data the committee or the General Assembly may require.

(2) The Arkansas Lottery Commission Legislative Oversight Committee may specify criteria related to any item of information required by this section.

(b)(1) Annually by July 1, the department shall report to the Arkansas Lottery Commission Legislative Oversight Committee in the manner and format that the committee requires on all state-supported student financial assistance awarded by the department and awarded by approved institutions of higher education.

(2) The information provided shall include without limitation:

(A) Current year expenditures for scholarships and grants under the program;

(B) Projected obligations for succeeding years from each scholarship or grant funding source;

(C) Fund balances for the:

(i) Higher Education Grants Fund Account; and

(ii) Trust accounts maintained by the Director of the Department of Higher Education to hold the net proceeds from the state lottery;

(D) An evaluation of whether the net proceeds from the state lottery available for the program supplements and does not supplant nonlottery state educational resources;

(F) Recommendations for changes to the program, including without limitation:

(i) Adjustments to the eligibility requirements of the program; and

(ii) Increases or decreases in the amounts awarded for an Arkansas Academic Challenge Scholarship based on the amount of net proceeds from the state lottery available; and

(H) Any other information that the Arkansas Lottery Commission Legislative Oversight Committee or the General Assembly may request.

(c) The department shall report to the Arkansas Lottery Commission Legislative Oversight Committee, the House Committee on Education, the Senate Committee on Education, and the Joint Budget Committee on the compliance with § 6-85-216 by each approved institution of higher education.

(d) The Bureau of Legislative Research shall report to the Arkansas Lottery Commission Legislative Oversight Committee, the House Committee on Education, the Senate Committee on Education, and the Joint Budget Committee on:

(1) The compliance with § 6-85-216 by approved institutions of higher education; and

(2) The status of reporting by the department under § 6-85-217.

6-85-220. Arkansas Lottery Commission Legislative Oversight Committee - Annual report.

(a) The Arkansas Lottery Commission Legislative Oversight Committee shall:

(1) Oversee the development and implementation of Arkansas Code requirements with regard to the Arkansas Academic Challenge Scholarship Program;

(2) Review whether and how the use of net state lottery proceeds helps to accomplish state objectives for higher education;

(3) Review the ongoing data collection, research, and evaluation of the program;

(4) Review the annual report of the Director of the Department of Higher Education under this section;

(5) Review and recommend changes to the:

(A) Number of awards for each scholarship and grant;

(B) Award levels;

(C) Eligibility requirements; and

(D) Overall administration of the program; and

(6) Review and recommend policies for scholarships and grants funded with nonlottery state educational resources, including without limitation ways to ensure that net proceeds from the state lottery are used to supplement and not supplant nonlottery state educational resources.

(b) By November 1 of each year, the committee shall report its findings and recommendations to the Arkansas Lottery Commission, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, the House Committee on Education, and the Senate Committee on Education.

SECTION 5. Arkansas Code Title 6, Chapter 5, Subchapter 4 is amended to add an additional section to read as follows:

6-5-405. Professional development for higher education awareness.

(a) As used in this section, "state-supported student financial assistance" means:

(1) A state-supported scholarship or grant awarded by the Department of Higher Education; and

(2) A scholarship, grant, or tuition waiver awarded by an institution of higher education in this state funded in whole or in part with state funds.

(b) Beginning with the 2009 calendar year, professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance shall be required for:

(1) All public school superintendents and assistant superintendents;  
and

(2) The following licensed personnel at a public school where students are enrolled in grade seven through grade twelve (7-12):

(A) Principals;

(B) Assistant principals; and

(C) Guidance counselors.

(c)(1) The first course shall be a three-hour course to be taken within calendar year 2009, or within the first year of employment.

(2) After the first three-hour course is completed, a one-hour course is required to be completed annually.

(d) The professional development hours required under this section shall be counted toward the sixty (60) hours of the professional development required for licensed school personnel under the Standards for Accreditation of Arkansas Public Schools and School Districts.

SECTION 6. TEMPORARY. DO NOT CODIFY. The General Assembly requests that:

(1) The Arkansas Association of Educational Administrators and the Arkansas Education Association, in cooperation with the Department of Higher Education, each provide three (3) hours of professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance for higher education at the respective association's annual convention, beginning with the 2009 annual convention;

(2) The Arkansas School Boards Association provide continuing education on the availability of, eligibility requirements for, and the process of applying for s state-supported student financial assistance for higher education at its meetings; and

(3) The Arkansas Education Television Network, in coordination with the Department of Higher Education, prepare a program of three (3) hours of professional development to be available during 2009 covering the availability, eligibility requirements for, and the process of applying for state-supported student financial assistance for higher education.

SECTION 7. TEMPORARY. DO NOT CODIFY.

(a) The Director of the Department of Higher Education shall determine the amount of excess net proceeds from the state lottery by calculating the difference between:

(1) The amount committed to scholarships awarded under the Academic Challenge Scholarship Program — Part 1 and the scholarships for traditional students and nontraditional students under the Academic Challenge Scholarship Program — Part 2; and

(2) The amount of net proceeds from the state lottery reasonably projected for the 2010-2011 academic year as determined by the director after consultation with the Arkansas Lottery Commission, Legislative Oversight Committee, the House Committee on Education, and the Senate Committee on Education.

(b) The amount of excess net proceeds from the state lottery shall only be available for one (1) or more of the following:

(1) Awarding scholarships to students near completion;

(2) Increasing state-supported student financial assistance under the Higher Education Opportunities Grant Program, § 6-82-1701 et seq. and the Workforce Improvement Grant Program, § 6-82-1601 et seq., or other state-supported student financial assistance programs for nontraditional students; or

(3) Establishing a reserve fund.

(c) By July 15, 2010, the Director of the Department of Higher Education shall prepare a report on the projected distribution of excess net proceeds from the state lottery based on:

(1) The award amounts set by the General Assembly in February 2010 under this act;

(2) The amount of excess net proceeds from the state lottery reasonably projected to be available for funding scholarships under this act;

(3) The number of applications accepted for the 2010-2011 academic year under this act;

(4) The number of applicants on the waiting lists for scholarships to be awarded under this act;

(5) Of the applicants on the waiting list, whether the applicants are traditional students, nontraditional students, or students near completion;

(d) The director shall provide the report to the Arkansas Lottery Commission Legislative Oversight Committee, the House Committee on Education, and the Senate Committee on Education for review.

(e)(1) The department shall maintain a list of students near completion and shall award scholarships first in order of those nearest completion.

(2) The amount of the award per student per year shall be determined by dividing the number of hours until completion by thirty (30) and multiplying by the amount the legislature sets for the award for baccalaureate students.

(3) The amount of the award for associate degree students shall be determined by dividing the number of hours until completion by fifteen (15) and multiplying by the amount the legislature sets for two-year students.

SECTION 8. Arkansas Code § 6-61-220(b), concerning the reporting of students who require remediation in their first year of postsecondary education, is amended to add an additional subdivision to read as follows:

(3)(A) For the purpose of analysis by the Bureau of Legislative Research to guide the General Assembly's evaluation of the need for adjustments to eligibility and funding levels for state-supported student financial assistance, the Office of Accountability of the Department of Education shall provide annually to the bureau all individual student demographic and test result data on ACT or ACT equivalent college placement exams.

(B) The office shall provide the data in a database or spreadsheet format that omits personally identifiable information.

SECTION 9. Arkansas Code § 3-4-404(21), concerning Class B violations by holders of alcoholic beverages permits, is amended to read as follows:

(21)(A) Conducting or permitting gambling on premises.

(B) Conducting or permitting gambling under subdivision (21)(A) of this section does not include:

(i) Charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or

(ii) A lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.;

SECTION 10. Arkansas Code § 3-5-221 (d)(1)(A), concerning prohibited practices under laws pertaining to beer and light wine, is amended to read as follows:

(d)(1) It shall be unlawful for a licensee or for any agent, servant, or employee of a licensee:

(A)(i) To suffer or permit any dice to be thrown for money or for anything of value or to suffer or permit gambling with cards, dominoes, raffle, or other games of chance or any form of gambling in the place designated by the license or in any booth, room, yard, garden, or other place appurtenant thereto.

(ii) Forms of gambling under subdivision (d)(1)(A)(i) of this section do not include:

(a) Charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or

(b) A lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.;

;

SECTION 11. Arkansas Code § 3-5-307(5), concerning certain prohibited practices under laws pertaining to beer, is amended to read as follows:

(5)(A) Permit gambling or games of chance upon the licensed premises.

(B) Permitting gambling or games of chance under subdivision (5)(A) of this section does not include:

(i) Charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or

(ii) A lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.;

SECTION 12. Arkansas Code § 3-9-236(15), concerning miscellaneous unlawful practices by on-premises consumption permit holders, is amended to read as follows:

(15)(A) Keep on the permitted premises a slot machine or any gambling or gaming device, machine, or apparatus, except as provided in ~~subdivision (15)(B)~~ subdivisions (15)(B)-(C) of this section.

(B)(i) An event held by a nonprofit organization that is exempt from taxation under § 26 U.S.C. 501(c)(3) shall be exempt from subdivision (15)(A) of this section if:

~~(i)(a)~~ (i)(a) The nonprofit organization registers the event with the Alcoholic Beverage Control Division at least sixty (60) days before the event;

~~(i)(b)~~ (i)(b) All proceeds of the event are for the benefit of the nonprofit organization;

~~(i)(c)~~ (i)(c) The games in the event do not use money but may use some form of play money;

~~(i)(d)~~ (i)(d) No cash or any other item of value is won or awarded as a prize; and

~~(i)(e)~~ (i)(e) The event is for amusement and not for gambling purposes in violation of Arkansas law or Arkansas Constitution, Article 19, § 14.

~~(C)(i)(ii)(a)~~ (C)(i)(ii)(a) This ~~section~~ subdivision (15)(B) shall apply to only one (1) event held by a nonprofit organization during a calendar year.

~~(i)(b)~~ (i)(b) No licensed premises shall be allowed more than ten (10) events under this subdivision (15)(B) per calendar year.

~~(D)(i)(iii)(a)~~ (D)(i)(iii)(a) A violation of this ~~section~~ subdivision (15)(B) by a nonprofit organization is a misdemeanor violation and is punishable by a fine of one thousand dollars (\$1,000).

~~(i)(b)~~ (i)(b) If a nonprofit organization commits a second violation of this subdivision (15)(B), the nonprofit organization shall be ineligible to sponsor an event under this ~~section~~ subdivision (15)(B).

~~(E)(iv)~~ (E)(iv) The division may promulgate appropriate rules to carry out the intent of this subdivision (15)(B).

(C) A gambling or a gaming device, machine, or apparatus under subdivision (15)(A) of this section do not include:

(i) Charitable bingo and raffles under the Charitable Bingo and Raffles Enabling Act, § 23-114-101 et seq.; or  
(ii) A lottery under the Arkansas Scholarship Lottery Act, § 23-115-101 et seq.;

SECTION 13. Arkansas Code § 10-3-314 is amended to read as follows:  
10-3-314. Report on claim filed with State Claims Commission.

(a) Except as provided by subsection (b) of this section, it is the intent of the General Assembly that when any state agency, board, commission, or institution of higher education admits liability to a claim filed with the State Claims Commission and the claim involves a contract with a state agency, board, commission, or institution of higher education or the claim exceeds seven thousand five hundred dollars (\$7,500) that such agency, board, commission, or institution of higher education file a written report thereof with the Litigation Subcommittee of the Legislative Council. The report shall include a concise statement of facts with an explanation of the agency's liability. Provided further, such report shall be filed with the litigation subcommittee within thirty (30) days after the claim has been adjudicated by the State Claims Commission.

(b) The Arkansas Lottery Commission shall file its written report under subsection (a) of this section with the Arkansas Lottery Commission Legislative Oversight Committee.

SECTION 14. Arkansas Code § 19-4-201(b)(2), concerning budget requests for certain agencies, is amended to read as follows:

(2) Budget requests for administration and operation of the legislative branch, the judicial branch, the elective constitutional offices, the Arkansas State Highway and Transportation Department, the Arkansas Lottery Commission, and the Arkansas State Game and Fish Commission shall be submitted directly to the Legislative Council without any recommendation by the Governor.

SECTION 15. Arkansas Code § 19-4-607(a), concerning the review and approval of annual operations plans, is amended to read as follows:

(a) Each state agency other than the elected constitutional officers, the legislative branch and its staff offices, the judicial branch and its staff offices, the Arkansas State Highway and Transportation Department, the Arkansas Lottery Commission, the state-supported institutions of higher education, and the Arkansas State Game and Fish Commission shall prepare an annual operations plan for the operation of each of its assigned programs for submission to the Chief Fiscal Officer of the State.

SECTION 16. Arkansas Code § 19-4-801(2)(B), concerning the definition of "state agency" as applied to the expenditure of cash funds, is amended to read as follows:

(B) "State agency" shall not include the:

- (i) Governor;
- (ii) Secretary of State;
- (iii) Attorney General;
- (iv) Treasurer of State;
- (v) Auditor of State;
- (vi) Commissioner of State Lands;
- (vii) Supreme Court and its justices;
- (viii) Circuit courts and circuit judges;
- (ix) Prosecuting attorneys;
- (x) Arkansas State Game and Fish Commission;
- (xi) Arkansas State Highway and Transportation

Department;

(xii)(a) Arkansas Lottery Commission.

(b) However, the Arkansas Lottery Commission shall be considered a state agency for the purposes of §§ 19-4-810 - 19-4-1816;

~~(xii)(xiii)~~ General Assembly; and

~~(xiii)(xiv)~~ Respective staffs of ~~these~~ the officers and agencies listed in this subdivision (2)(B).

SECTION 17. Arkansas Code § 19-4-1303 is amended to read as follows:  
19-4-1303. Exemptions.

Funds disbursed by the Arkansas State Highway and Transportation Department, ~~and~~ the Arkansas State Game and Fish Commission, and the Arkansas Lottery Commission and the funds appropriated in the general appropriation bill provided for in the Arkansas Constitution, Article 5, § 30, shall be exempt from this subchapter.

SECTION 18. Arkansas Code § 19-4-1415(b)(5), concerning certain exemptions for the construction of buildings and facilities, is amended to read as follows:

(5) The Board of Trustees of the University of Arkansas, ~~and~~ the Board of Trustees of Arkansas State University, and the Arkansas Lottery Commission shall be exempt from review and approval by the authority and any regulations promulgated by it, provided that the institutions shall have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.

SECTION 19. Arkansas Code § 19-4-1612(b)(2), concerning overtime pay for state employees, is amended to read as follows:

(2)(A) The Chief Fiscal Officer of the State will specify those specific employees or groups of employees other than employees of the Arkansas State Highway and Transportation Department and the Arkansas Lottery Commission eligible to receive overtime compensation, the circumstances under which overtime pay is to be allowed, and such other matters which the Chief Fiscal Officer of the State may deem appropriate and necessary to comply with the Federal Fair Labor Standards Act as regards the payment of overtime compensation.

(B) The Director of the Arkansas State Highway and Transportation Department shall make these determinations as to employees of the Arkansas State Highway and Transportation Department.

(C) The Director of the Arkansas Lottery Commission shall make these determinations as to employees of the Arkansas Lottery Commission.

SECTION 20. Arkansas Code § 19-11-203(14)(Z) and (A)(A), concerning the definition of exempt commodities and services, is amended to read as follows:

(Z) Capital improvements valued at less than twenty thousand dollars (\$20,000), subject to minimum standards and criteria of the Arkansas Building Authority; ~~and~~

(AA) Services related to work force development, incumbent work force training, or specialized business or industry training; and

(BB) Major procurement contracts of the Arkansas Lottery Commission under § 23-115-103.

SECTION 21. Arkansas Code § 19-11-220(a), concerning agency procurement officials, is amended to read as follows:

(a) In addition to any state agency authorized by regulation to have an agency procurement official, each of the following state agencies may elect to have such an official for commodities, technical and general services, and professional and consultant services, which are not within the exclusive jurisdiction of the State Procurement Director and which are not under state contract:

- (1) Arkansas State Highway and Transportation Department;
- (2) Arkansas Lottery Commission;
- ~~(2)~~(3) Arkansas State University-Beebe;
- ~~(3)~~(4) Arkansas State University;
- ~~(4)~~(5) Arkansas State University System;
- ~~(5)~~(6) Arkansas Tech University;
- ~~(6)~~(7) Henderson State University;
- ~~(7)~~(8) Southern Arkansas University;
- ~~(8)~~(9) University of Arkansas at Fayetteville;
- ~~(9)~~(10) University of Arkansas Fund entities;
- ~~(10)~~(11) University of Arkansas at Little Rock;
- ~~(11)~~(12) University of Arkansas at Monticello;
- ~~(12)~~(13) University of Arkansas at Pine Bluff;
- ~~(13)~~(14) University of Arkansas for Medical Sciences;
- ~~(14)~~(15) University of Central Arkansas;
- ~~(15)~~(16) Arkansas State University-Mountain Home;
- ~~(16)~~(17) Arkansas State University-Newport;
- ~~(17)~~(18) Black River Technical College;
- ~~(18)~~(19) Cossatot Community College of the University of Arkansas;
- ~~(19)~~(20) East Arkansas Community College;
- ~~(20)~~(21) National Park Community College;
- ~~(21)~~(22) Arkansas Northeastern College;
- ~~(22)~~(23) Mid-South Community College;
- ~~(23)~~(24) North Arkansas College;
- ~~(24)~~(25) Northwest Arkansas Community College;
- ~~(25)~~(26) Ouachita Technical College;
- ~~(26)~~(27) Ozarka College;
- ~~(27)~~(28) Phillips Community College of the University of Arkansas;
- ~~(28)~~(29) University of Arkansas Community College at Morrilton;
- ~~(29)~~(30) Pulaski Technical College;
- ~~(30)~~(31) Rich Mountain Community College;
- ~~(31)~~(32) SAU-Tech;
- ~~(32)~~(33) Southeast Arkansas College;
- ~~(33)~~(34) South Arkansas Community College;
- ~~(34)~~(35) University of Arkansas Community College at Batesville;
- ~~(35)~~(36) University of Arkansas Community College at Hope;
- ~~(36)~~(37) University of Arkansas at Fort Smith; and
- ~~(37)~~(38) Department of Higher Education.

SECTION 22. Arkansas Code § 19-11-1003, concerning exemptions from laws pertaining to professional and consultant services contracts, is amended to add an additional subdivision to read as follows:

(d) This subchapter does not apply to major procurement contracts of the Arkansas Lottery Commission under § 23-115-103.

SECTION 23. Arkansas Code Title 19, Chapter 11, Subchapter 11 is amended to add an additional section to read as follows:

19-11-1103. Exemptions.

This subchapter does not apply to major procurement contracts of the Arkansas Lottery Commission under § 23-115-103.

SECTION 24. Arkansas Code § 26-18-1001, concerning business closure authority and notice, is amended to add an additional subsection to read as follows:

(e) After written notice delivered to a lottery retailer by the United States Postal Service or by hand delivery, the Director of the Department of Finance and Administration may pursue a remedy under this subchapter against a lottery retailer as a noncompliant taxpayer upon receiving a referral from the Arkansas Lottery Commission under § 23-115-605.

SECTION 25. TEMPORARY LANGUAGE. NOT TO BE CODIFIED. (a) Initial appointments to the Arkansas Lottery Commission under § 23-115-202 shall be made within thirty (30) days of the effective date of this act.

(b) The Arkansas Lottery Commission shall hold its first meeting within forty-five (45) days of the effective date of this act.

SECTION 26. NOT TO BE CODIFIED. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable under § 1-2-117.

SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

(SIGNED) SENATOR TERRY SMITH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 26 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 829** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 829**

Amend **Senate Bill No. 829** as originally introduced:

"

Delete the title in its entirety and substitute:

"AN ACT TO PERMIT CITIES OF THE FIRST CLASS WITH A POPULATION EXCEEDING FIFTY THOUSAND (50,000) TO REGULATE PROPERTY OWNERS OR THEIR AGENTS WHO HAVE VEHICLES TOWED FROM THE PROPERTY; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PERMIT CITIES OF THE FIRST CLASS WITH A POPULATION EXCEEDING FIFTY THOUSAND (50,000) TO REGULATE PROPERTY OWNERS OR THEIR AGENTS WHO HAVE VEHICLES TOWED FROM THE PROPERTY."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 27-50-1101 is amended to read as follows:  
 27-50-1101. Nonconsensual towing of vehicles.

(a)(1)(A) When ~~any vehicles~~ a vehicle of a type subject to registration under the laws of this state ~~are~~ is found abandoned on private or public property within this state or ~~are~~ is parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property ~~owners or agents~~ owner or his or her agent may have the vehicle removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B)(i) A city of the first class with a population that exceeds fifty thousand (50,000) by ordinance may regulate the manner that a property owner or other person controlling the property removes a pleasure vehicle subject to licensure under § 27-14-601(a)(1):

(a) By limiting:

(1) The distance from the location of removal to the destination of storage;

(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle removed from the property, with the difference between the charges allowed by the city and the actual charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

(3) The request for removal of a vehicle from the property to a towing and storage firm that accepts payment methods of cash, credit cards, or debit cards; and

(b) By requiring signage under § 27-51-1305 to include:

(1) The name, address, and telephone number of the towing and storage firm that may provide removal services from the parking lot;

(2) The amount of towing and storage charges, including the towing charge, the storage charge, sales tax, administrative fees, and any other fee that is to be charged, that may be assessed against the owner or operator of the vehicle; and

(3) Disclosing whether the towing and storage firm will accept the payment methods of cash, checks, credit cards, or debit cards.

(ii) An ordinance enacted under this subdivision (a)(1)(B) shall not conflict with this section and shall only apply to the towing and storage of a pleasure vehicle subject to licensure under § 27-14-601(a)(1).

~~(B)~~(C) Prior to the removal of ~~an abandoned vehicles or of vehicles~~ vehicle or vehicle parked without authority as provided by this section, the towing and storage firm shall obtain in writing from the property owners or agents a written statement that includes at a minimum the following:

(i) Identification of the property owner or agent, including name, address, and telephone number;

(ii) A statement that the property from which the vehicle is to be removed is property owned or otherwise under the control of the agent requesting the removal;

(iii) That the vehicle is deemed abandoned or has been parked on the property without authorization, as the case may be;

(iv) The make, model, and vehicle identification number of the vehicle to be removed;

(v) The location to which the vehicle will be removed, including the name, address, and telephone number of the towing and storage firm removing the vehicle; and

(vi) The signature of the property owner or agent requesting removal of the vehicle.

~~(C)~~(D) A copy of the written statement shall be left with the property owner or the on-site agent, who shall make the written statement available for inspection upon request by any person claiming an interest in the removed vehicle.

~~(D)~~(E) The towing and storage firm removing the vehicle shall retain a copy of the written statement for three (3) years and make the statement available during regular business hours upon request to any person claiming an interest in the removed vehicle or upon request to any law enforcement officer or board investigator.

~~(E)~~(F) ~~Vehicles~~ Unless other arrangements have been made with a repair business, a vehicle on the premises of ~~an automobile~~ a repair business shall be deemed abandoned if either:

(i) ~~the~~ The vehicle is unclaimed by the ~~vehicle~~ owner within forty-five (45) days; or

~~(ii) the~~ The debt is not paid within forty-five (45) days from the time the repair work is complete.

~~(F)(i)(G) No~~ A towing and storage firm shall not remove any abandoned vehicle or improperly parked vehicle without the authorization of the property owner or on-site agent as provided in this section except as may otherwise be authorized by the provisions of § 27-50-1201 et seq. or as directed by any law enforcement officer.

~~(ii) A property owner may designate in writing a licensed towing and storage firm as its agent for the purposes of the removal of abandoned vehicles or vehicles parked on private property without the authorization of the property owners or other persons controlling the property.~~

~~(G)(H) No~~ A towing and storage firm removing a vehicle as provided by this section shall not pay any compensation related to the removal of the vehicle, whether as a referral fee or otherwise, to the owner or agent requesting the removal of the vehicle.

(2)(A) Any person towing a vehicle as provided by this section and any person towing a vehicle without the authorization of the owner ~~of the vehicle~~ or of the owner's agent, including towing pursuant to a directive of repossession from a holder of a security interest in the vehicle, shall notify the local police department or sheriff's department office within whose jurisdiction the vehicle was removed of the vehicle's removal within two (2) hours of taking possession of the vehicle.

(B) The towing and storage firm may not charge a storage fee for the vehicle for the time it is stored prior to the notification required to the local police department or sheriff's department office.

(C) Each police department or sheriff's department office receiving notification of the removal of a vehicle as provided in this subsection shall maintain a log recording the following information related to the vehicle: the make, model, and vehicle identification number of the vehicle, the date, time, and location of the removal, and the name, address, and telephone number of the person removing the vehicle

(i) Make;

(ii) Model;

(iii) Vehicle identification number or serial number;

(iv) Date, time, and location of the removal; and

(v) Name, address, and telephone number of the person

removing the vehicle.

(D) Each police department or sheriff's department office ~~receiving that receives~~ notification of the removal of a vehicle as provided in this subsection shall within twenty-four (24) hours of notification provide to the towing and storage firm information supplied from the records of the Office of Motor Vehicle, the Arkansas Crime Information Center, or, if there is evidence in the vehicle indicating that the vehicle is registered in another state, the motor vehicle records from that state, ~~that provide the vehicle identification number or serial number,~~ the name and address of the last registered owner, and the name and address of the holder of any recorded lien on the vehicle.

(E)(i) In the event that readily available records fail to disclose the name of the owner of the vehicle or any lienholder of record, the towing and storage firm shall perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended or abandoned vehicle.

(ii) For purposes of this subsection, a "good faith search" means that the towing and storage firm checks the unattended or abandoned vehicle for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that indicates a possible state of registration and title.

(3) Following removal of an abandoned vehicle or vehicle parked without authority, possession of the vehicle, notice requirements to owners and lienholders, and procedures for sale of unclaimed vehicles shall be governed by the provisions of §§ 27-50-1208 — 27-50-1210.

(b) A city attorney may refer a possible violation of this section or an ordinance enacted under this section to the Arkansas Towing and Recovery Board for investigation.

~~(b)(1)(c)(1)~~ It shall be unlawful for a person to:

(A) Direct the removal of or to remove a vehicle in violation of this section; and

(B) Violate or aid or abet any violation of this section.

(2)(A) A person who pleads guilty or nolo contendere to or is found guilty of any violation of this section is guilty of a Class B misdemeanor.

(B) The information related to a plea of guilty or nolo contendere to or conviction for a violation as provided under subdivision (b)(1)(A) shall be reported to the Arkansas Towing and Recovery Board.

(3) ~~Each~~ The removal of each vehicle removed in violation of this section shall constitute a distinct and separate offense."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 829 was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 830** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 830**

Amend **Senate Bill No. 830** as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 27-50-1101 is amended to read as follows:  
 27-50-1101. Nonconsensual towing of ~~vehicles~~ a vehicle, implement, or piece of machinery.

(a)(1)(A) When ~~any vehicles~~ a vehicle of a type subject to registration under the laws of this state, an implement, or a piece of machinery ~~are~~ is found abandoned on private or public property within this state or ~~are~~ is parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property ~~owners or agents~~ owner or his or her agent may have the vehicle, implement, or piece of machinery removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B)(i) A city of the first class, city of the second class, or incorporated town by ordinance may regulate the manner that a property owner or other person controlling the property removes a vehicle, implement, or piece of machinery:

(a) By limiting:

(1) The distance from the location of removal to the destination of storage; and

(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle, implement, or piece of machinery removed from the property, with the difference between the charges allowed by the city and the actual towing and storage charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

(3) The request for removal of a vehicle, implement, or piece of machinery from the property to a towing and storage firm that accepts payment methods of cash, credit cards, or debit cards; and

(b) By requiring signage under § 27-51-1305 to include:

(1) The name, address, and telephone number of the towing and storage firm that may provide removal services from the parking lot;

(2) The amount of towing and storage charges that may be assessed against the owner or operator of the vehicle, implement or other machinery; and

(3) Disclosing whether the towing and storage firm will accept the payment methods of cash, checks, credit cards, or debit cards.

(ii) An ordinance enacted under this subdivision (a)(1)(B)

shall not conflict with this section.

~~(B)~~(C) Prior to the removal of an abandoned vehicles or of vehicles vehicle, implement, or piece of machinery or a vehicle, implement, or piece of machinery parked without authority as provided by this section, the towing and storage firm shall obtain in writing from the property owners or agents a written statement that includes at a minimum the following:

(i) Identification of the property owner or agent, including name, address, and telephone number;

(ii) A statement that the property from which the vehicle, implement, or piece of machinery is to be removed is property owned or otherwise under the control of the agent requesting the removal;

(iii) That the vehicle, implement, or piece of machinery is deemed abandoned or has been parked on the property without authorization, as the case may be;

(iv) The make, model, and vehicle identification number or serial number of the vehicle, implement, or piece of machinery to be removed;

(v) The location to which the vehicle, implement, or piece of machinery will be removed, including the name, address, and telephone number of the towing and storage firm removing the vehicle, implement, or piece of machinery; and

(vi) The signature of the property owner or agent requesting removal of the vehicle, implement, or piece of machinery.

~~(C)~~(D) A copy of the written statement shall be left with the property owner or the on-site agent, who shall make the written statement available for inspection upon request by any person claiming an interest in the removed vehicle, implement, or piece of machinery.

~~(D)~~(E) The towing and storage firm removing the vehicle, implement, or piece of machinery shall retain a copy of the written statement for three (3) years and make the statement available during regular business hours upon request to any person claiming an interest in the removed vehicle, implement, or piece of machinery or upon request to any law enforcement officer or board investigator.

~~(E)~~(F) Vehicles Unless other arrangements have been made with a repair business, a vehicle, implement, or piece of machinery on the premises of an automobile a repair business shall be deemed abandoned if either:

(i) ~~the~~ The vehicle, implement, or piece of machinery is unclaimed by the ~~vehicle~~ owner within forty-five (45) days; or

(ii) ~~the~~ The debt is not paid within forty-five (45) days from the time the repair work is complete.

~~(F)~~(i)(G) ~~No~~ A towing and storage firm shall not remove any abandoned vehicle, implement, or piece of machinery or improperly parked vehicle, implement, or piece of machinery without the authorization of the property owner or on-site agent as provided in this section except as may otherwise be authorized by the provisions of § 27-50-1201 et seq. or as directed by any law enforcement officer.

~~(ii) A property owner may designate in writing a licensed towing and storage firm as its agent for the purposes of the removal of abandoned vehicles or vehicles parked on private property without the authorization of the property owners or other persons controlling the property.~~

~~(G)~~(H) ~~No~~ A towing and storage firm removing a vehicle, implement, or piece of machinery as provided by this section shall not pay any compensation related to the removal of the vehicle, implement, or piece of machinery, whether as a referral fee or otherwise, to the owner or agent requesting the removal of the vehicle, implement, or piece of machinery.

(2)(A) Any person towing a vehicle, implement, or piece of machinery as provided by this section and any person towing a vehicle, implement, or piece of

machinery without the authorization of the owner ~~of the vehicle~~ or of the owner's agent, including towing pursuant to a directive of repossession from a holder of a security interest in the vehicle, implement, or piece of machinery, shall notify the local police department or sheriff's department office within whose jurisdiction the vehicle, implement, or piece of machinery was removed of the ~~vehicle's~~ removal within two (2) hours of taking possession of the vehicle, implement, or piece of machinery.

(B) The towing and storage firm may not charge a storage fee for the vehicle, implement, or piece of machinery for the time it is stored prior to the notification required to the local police department or sheriff's department office.

(C) Each police department or sheriff's department office receiving notification of the removal of a vehicle, implement, or piece of machinery as provided in this subsection shall maintain a log recording the following information related to the vehicle, implement, or piece of machinery: the make, model, and vehicle identification number of the vehicle, the date, time, and location of the removal, and the name, address, and telephone number of the person removing the vehicle

(i) Make;

(ii) Model;

(iii) Vehicle identification number or serial number;

(iv) Date, time, and location of the removal; and

(v) Name, address, and telephone number of the person

removing the vehicle, implement, or piece of machinery.

(D)(i) Each police department or sheriff's department office receiving that receives notification of the removal of a vehicle, implement, or piece of machinery as provided in this subsection shall within twenty-four (24) hours of notification provide to the towing and storage firm information supplied from the records of the Office of Motor Vehicle, the Arkansas Crime Information Center, or, if there is evidence in the vehicle, implement, or piece of machinery indicating that ~~the vehicle~~ it is registered in or from another state, the ~~motor vehicle~~ registration records from that state, ~~that provide the vehicle identification number or serial number,~~ the name and address of the last registered owner, and the name and address of the holder of any recorded lien on the vehicle, implement, or piece of machinery.

(ii) If the information under subdivision (a)(2)(D)(i) of this section is not available for an implement or piece of machinery, the police department or sheriff's office that receives notice of the removal shall provide at a minimum whether any record exists in the records of the Office of Motor Vehicle or the Arkansas Crime Information Center regarding the implement or piece of machinery.

(E)(i) In the event that readily available records fail to disclose the name of the owner of the vehicle, implement, or piece of machinery or any lienholder of record, the towing and storage firm shall perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended or abandoned vehicle, implement, or piece of machinery.

(ii) For purposes of this subsection, a "good faith search" means that the towing and storage firm checks the unattended or abandoned vehicle, implement, or piece of machinery for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that indicates a possible state of registration and title or other information related to the owner.

(3)(A)(i) Following removal of an abandoned vehicle or vehicle parked without authority, possession of the vehicle, notice requirements to owners and lienholders, and procedures for sale of unclaimed vehicles shall be governed by the provisions of §§ 27-50-1208 — 27-50-1210.

(B)(i) The following procedures for the sale of an abandoned and unattended vehicle that is removed from a property as provided under §§ 27-50-1208 — 27-50-1210 shall apply in the same manner to an abandoned and

unattended implement or piece of machinery:

(A) Possession of the implement or piece of machinery:

(B) Notice to owners and lienholders; and

(C) Procedures for sale.

(ii) The towing and storage company shall have a first priority possessory lien on the implement or piece of machinery and its contents for all reasonable charges for towing, recovery, and storage subject to the limits provided by ordinance if one is in effect.

(iii) Except as provided under subdivision (a)(3)(B)(iv) of this section, the lien against the implement or piece of machinery shall be perfected and all of the procedures related to the implement or piece of machinery shall be handled in the same manner as provided under § 27-50-1208(b)—(e) for abandoned and unattended vehicles.

(iv) If information on the owner or owners of an implement or piece of machinery that is in the possession of a towing and storage company is not available pursuant to subdivision (a)(2)(D)—(E) of this section, the towing and storage company shall provide notice by publication in a newspaper of general circulation in the region from where the implement or piece of machinery was removed.

(C)(i) Notwithstanding any provision of law to the contrary and to the extent that the city of the first class, city of the second class, or incorporated town enacted an ordinance that limits the amount of towing and storage charges assessed against the owner or operator of the vehicle, implement, or piece of machinery, the towing and storage company shall have a first priority possessory lien limited to the amount allowed under the ordinance.

(ii) The towing and storage company may assess any remaining charges to the property owner or other person controlling the property who requested the vehicle, implement, or piece of machinery be removed from the property.

(b) A city attorney may refer a possible violation of this section or an ordinance enacted under this section to the Arkansas Towing and Recovery Board for investigation.

(b)(1)(c)(1) It shall be unlawful for a person to:

(A) Direct the removal of or to remove a vehicle, implement, or piece of machinery in violation of this section; and

(B) Violate or aid or abet any violation of this section.

(2)(A) A person who pleads guilty or nolo contendere to or is found guilty of any violation of this section is guilty of a Class B misdemeanor.

(B) The information related to a plea of guilty or nolo contendere to or conviction for a violation as provided under subdivision (b)(1)(A) shall be reported to the Arkansas Towing and Recovery Board.

(3) ~~Each~~ The removal of each vehicle, implement, or piece of machinery removal in violation of this section shall constitute a distinct and separate offense.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there are issues related to towing and storage that have arisen that call into question the adequacy of state law; that there have been numerous incidents where a vehicle, implement, or piece of machinery was towed from an area that lacked proper signage to provide notice to the operator that parking was prohibited; that property owners have had vehicles, implements, or pieces of machinery removed to distant locations from the area in which found abandoned or improperly parked; and that, as a result, the towing and storage charges exceeded the usual and customary amount in the community; and this act is immediately necessary so that a city of the first class, city of the second

class, or incorporated town can enact ordinances to regulate the property owners and to protect the health and safety of their citizens related to towing and storage. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 830** was ordered engrossed.

On motion of Senator Madison, **Senate Bill No. 787** was withdrawn from the Committee on CITY, COUNTY & LOCAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 787**

Amend **Senate Bill No. 787** as originally introduced:

Page 1, delete lines 25 through 27 and substitute the following:

"(a)(1)(A) A maternity patient at the time of preadmission at a hospital or birthing center shall be provided printed information related to the types of birthing methods and their associated risks including vaginal delivery and cesarean section deliveries.

(B) The information also shall be made available to the general public upon request."

AND

Page 1, line 34, delete "midwives" and substitute "certified nurse-midwives"

AND

Page 2, delete line 18 and substitute the following:

"birthing center, on the basis of twenty-four (24) hours a day or daytime; and  
(N) The annual percentage of women breastfeeding upon  
discharge."

(SIGNED) SENATOR SUE MADISON

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 787** was ordered engrossed.

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

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 9**, BY SENATOR ALTES,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator Altes, **Senate Bill No. 9** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

SENATE BILL NO. 26, BY SENATOR T. SMITH ET AL,  
SENATE BILL NO. 868, BY SENATOR FARIS,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator Smith, **Senate Bill No. 26** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

On motion of Senator Faris, **Senate Bill No. 868** was ordered re-referred to the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 728**, BY SENATOR ELLIOTT,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

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

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 787**, BY SENATOR MADISON,

SENATE BILL NO. 949, BY SENATOR WYATT,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator Madison, **Senate Bill No. 787** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Wyatt, **Senate Bill No. 949** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

SENATE BILL NO. 829, BY SENATOR MADISON,

SENATE BILL NO. 830, BY SENATOR MADISON,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator Madison, **Senate Bill No. 829** was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

On motion of Senator Madison, **Senate Bill No. 830** was ordered re-referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

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

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 850**, BY SENATOR BROADWAY ET AL,  
**SENATE BILL NO. 853**, BY SENATOR BROADWAY ET AL,  
**SENATE BILL NO. 896**, BY SENATOR ALTES,  
**SENATE BILL NO. 1006**, BY SENATOR KEY,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator Broadway, **Senate Bill No. 850** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Broadway, **Senate Bill No. 853** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Altes, **Senate Bill No. 896** was ordered re-referred to the Committee on EDUCATION.

On motion of Senator Key, **Senate Bill No. 1006** was ordered re-referred to the Committee on EDUCATION.

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

March 16, 2009

Mr. President:

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

**HOUSE BILL NO. 1372**, BY REPRESENTATIVE ROEBUCK,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator J. Jeffress, **House Bill No. 1372** was ordered re-referred to the Committee on EDUCATION.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

**HOUSE BILL NO. 1580**, BY REPRESENTATIVE LOWERY AND  
SENATOR G. JEFFRESS,

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

Respectfully submitted,  
(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator G. Jeffress, **House Bill No. 1580** was ordered re-referred to the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT.

STATE OF ARKANSAS  
OFFICE OF THE GOVERNOR

STATE CAPITOL  
LITTLE ROCK, ARKANSAS

MIKE BEEBE  
Governor

March 13, 2009

TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

This is to inform your Honorable Body that on March 13, 2009, I approved the following measures from the Regular Session of the Eighty-seventh General Assembly:

**Senate Concurrent Resolution No. 007**

**Senate Bill No. 315**, - ACT 393,    **Senate Bill No. 252**, - ACT 426,  
**Senate Bill No. 309**, - ACT 394,    **Senate Bill No. 284**, - ACT 427,  
**Senate Bill No. 113**, - ACT 422,    **Senate Bill No. 381**, - ACT 428,  
**Senate Bill No. 217**, - ACT 423,    **Senate Bill No. 451**, - ACT 429,  
**Senate Bill No. 226**, - ACT 424,    **Senate Bill No. 524**, - ACT 430,  
**Senate Bill No. 229**, - ACT 425,    **Senate Bill No. 543**, - ACT 431,

Sincerely,

(SIGNED)    MIKE BEEBE  
Governor

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

SENATE CONCURRENT RESOLUTION NO. 3,  
BY SENATOR D. JOHNSON,  
SENATE BILL NO. 34, BY SENATOR THOMPSON,  
SENATE BILL NO. 155, BY SENATORS GLOVER AND FARIS,  
SENATE BILL NO. 156, BY SENATOR J. JEFFRESS,  
SENATE BILL NO. 191, BY SENATOR FARIS,  
SENATE BILL NO. 227, BY SENATOR J. JEFFRESS,  
SENATE BILL NO. 170, BY SENATOR G. JEFFRESS,  
SENATE BILL NO. 330, BY SENATOR BLEDSOE,  
SENATE BILL NO. 357, BY SENATOR BOOKOUT,  
SENATE BILL NO. 431, BY SENATOR T. SMITH,  
SENATE BILL NO. 596, BY SENATOR PRITCHARD,  
SENATE BILL NO. 641, BY SENATOR G. JEFFRESS,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 10:25 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE CONCURRENT RESOLUTION NO. 3

SENATE BILL NO. 34

SENATE BILL NO. 155

SENATE BILL NO. 156

SENATE BILL NO. 191

SENATE BILL NO. 227

SENATE BILL NO. 170

SENATE BILL NO. 330

SENATE BILL NO. 357

SENATE BILL NO. 431

SENATE BILL NO. 596

SENATE BILL NO. 641

RECEIVED the above papers from the Secretary of the Senate this 16th day of  
March, 2009 at 10:25 a.m.

(SIGNED) MIKE BEEBE  
Governor

(SIGNED) J. D. Lowery  
Secretary

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, to whom was referred:

SENATE BILL NO. 3, BY SENATOR J. KEY,  
SENATE BILL NO. 781, BY SENATOR TEAGUE,

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

Respectfully submitted,  
(SIGNED) SENATOR JOHN PAUL CAPPS  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

We, your Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS, to whom was referred:

HOUSE BILL NO. 1438, BY REPRESENTATIVE COWLING,  
HOUSE BILL NO. 1612, BY REPRESENTATIVE BARNETT,  
HOUSE BILL NO. 1837, BY REPRESENTATIVE ROGERS,  
HOUSE BILL NO. 1962, BY REPRESENTATIVE WILLS,

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

Respectfully submitted,  
(SIGNED) SENATOR JOHN PAUL CAPPS  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

We, your Committee on JOINT RETIREMENT AND SOCIAL SECURITY, to whom was referred:

SENATE BILL NO. 72, BY SENATOR MADISON,  
SENATE BILL NO. 140, BY SENATOR FARIS,  
SENATE BILL NO. 163, BY SENATOR G. JEFFRESS,

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

Respectfully submitted,

(SIGNED) SENATOR GENE JEFFRESS  
CHAIRMAN

On motion of Senator D. Johnson, **House Concurrent Resolution No. 1010** was called up for third reading and final disposition.

**HOUSE CONCURRENT RESOLUTION NO. 1010**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE MALOCH**  
**BY: SENATOR D. JOHNSON**

HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO IMMEDIATELY INTRODUCE AND PASS LEGISLATION TO IMPLEMENT A COURT FEE INTERCEPT PROGRAM SIMILAR TO THAT PROPOSED IN H.R. 6172 AND S.1287 IN THE 110TH CONGRESS.

**House Concurrent Resolution No. 1010** was read the third time and concurred in.

(SIGNED) ANN CORNWELL, SECRETARY

**House Concurrent Resolution No. 1010** was ordered immediately returned to the House as concurred in.

On motion of Senator Horn, **Senate Bill No. 663** was placed back on second reading for purpose of Amendment No. 1, No. 2 and No. 3.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1, to SENATE BILL NO. 663**

Amend **Senate Bill No. 663** as originally introduced:  
Page 2, line 13 after "five percent (5%)" insert "in any twelve-month period"

(SIGNED) SENATOR PERCY MALONE

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 2 to SENATE BILL NO. 663

Amend **Senate Bill No. 663** as originally introduced:

Page 2, line 9 delete "without a public hearing"

AND

Page 4, delete lines 25 through 27 and substitute:  
"commission-approved cost allocation."

AND

Page 5, line 26 after "cooperative" insert the following: ", including without limitation the authority to investigate and set the rates and charges of the generation and transmission cooperative,"

(SIGNED) SENATOR BARBARA HORN

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

(SIGNED) ANN CORNWELL, SECRETARY

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 3 to SENATE BILL NO. 663

Amend **Senate Bill No. 663** as originally introduced:

Page 3, delete line 30 and substitute the following:

"(B) However, a rate rider or other rider to the generation and"

AND

Page 3, delete line 32 and substitute the following:  
“this subchapter unless the commission determines otherwise.”

(SIGNED) SENATOR BARBARA HORN

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 663** was ordered engrossed.

On motion of Senator Altes, **Senate Bill No. 218** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 218

Amend **Senate Bill No. 218** as originally introduced:

Page 1, line 24, delete "All" and substitute "~~All~~ To the extent permitted by the Arkansas Constitution, all"

(SIGNED) REPRESENTATIVE GLIDEWELL

**Amendment No. 1 to Senate Bill No. 218**, adopted by the House, was read the first time, rules suspended, read the second time and concurred in, by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Altes, **Senate Bill No. 218** was called up for third reading and final disposition.

**SENATE BILL NO. 218**  
*As Engrossed: H3/5/09*  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR ALTES**

A Bill for an Act to be Entitled: AN ACT TO EXEMPT THE CASH SURRENDER VALUE OF A LIFE INSURANCE POLICY FROM THE CLAIMS OF CREDITORS; AND FOR OTHER PURPOSES.

**Senate Bill No. 218** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 218** was ordered enrolled.

The President declared the morning hour to have expired.

On motion of Senator Madison, **Senate Bill No. 776** was called up for third reading and final disposition.

**SENATE BILL NO. 776**  
*As Engrossed: S3/12/09*  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR MADISON**  
**BY: REPRESENTATIVE POWERS**

A Bill for an Act to be Entitled: AN ACT CONCERNING JUVENILES, THE JUVENILE CODE, AND JUVENILE JUSTICE; AND FOR OTHER PURPOSES.

**Senate Bill No. 776** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 776**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 776** was ordered immediately transmitted to the House.

On motion of Senator Baker, **Senate Bill No. 841** was called up for third reading and final disposition.

**SENATE BILL NO. 841  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR G. BAKER**

A Bill for an Act to be Entitled: AN ACT AMENDING THE POWERS AND DUTIES OF THE STATE SURVEYOR; AND FOR OTHER PURPOSES.

**Senate Bill No. 841** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 841** was ordered immediately transmitted to the House as passed.

On motion of Senator J. Jeffress, **House Bill No. 1705** was called up for third reading and final disposition.

**HOUSE BILL NO. 1705**  
*As Engrossed: S3/11/09*  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE REEP**

A Bill for an Act to be Entitled: AN ACT TO ALLOW A PLANNING AND DEVELOPMENT DISTRICT TO INCORPORATE AND ACT AS A PUBLIC CORPORATION; TO PROVIDE AN ADDITIONAL METHOD FOR THE DISSOLUTION OF THE PUBLIC CORPORATION; TO PROVIDE FOR THE RESCISSION OF A PLANNING AND DEVELOPMENT DISTRICT'S AUTHORIZATION TO ACT AS A PUBLIC CORPORATION; AND FOR OTHER PURPOSES.

**House Bill No. 1705** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1705** was ordered immediately returned to the House as passed as amended.

On motion of Senator Smith, **Senate Bill No. 764** was called up for third reading and final disposition.

**SENATE BILL NO. 764  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATE EFFICIENCY COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE - STAFF FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**Senate Bill No. 764** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 764**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 764** was ordered immediately transmitted to the House.

On motion of Senator Steele, **House Bill No. 1379** was called up for third reading and final disposition.

**HOUSE BILL NO. 1379  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES SUMMERS AND PENNARTZ**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE FOR THE LICENSURE OF ALCOHOLISM AND DRUG ABUSE COUNSELORS; TO PROVIDE FOR THE REGISTRATION OF CLINICAL ALCOHOLISM AND DRUG ABUSE COUNSELOR SUPERVISORS; AND FOR OTHER PURPOSES.

**House Bill No. 1379** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1379** was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1898** was called up for third reading and final disposition.

**HOUSE BILL NO. 1898  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION**

**BY: REPRESENTATIVES HAWKINS, J. BURRIS, CASH, COOK, COOPER, DALE, J. DICKINSON, EVERETT, GASKILL, GEORGE, GLIDEWELL, HARDY, HOYT, HYDE, KIDD, KING, OVERBEY, PATTERSON, RAGLAND, RICE, J. ROGERS, SLINKARD, L. SMITH, WELLS & B. WILKINS**

**BY: SENATORS HORN, ALTES, G. BAKER, BLEDSOE, BOOKOUT, BROADWAY, BRYLES, CAPPS, GLOVER, HENDREN, B. JOHNSON, D. JOHNSON, J. KEY, LAVERTY, LUKER, P. MALONE, MILLER, SALMON, T. SMITH, STEELE, TEAGUE, R. THOMPSON, TRUSTY, WHITAKER, WILKINSON & D. WYATT**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ARKANSAS PUBLIC SERVICE COMMISSION TO PERMIT STORM COST RESERVE ACCOUNTING FOR ELECTRIC PUBLIC UTILITIES WHEN REQUESTED; AND FOR OTHER PURPOSES.

**House Bill No. 1898** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast.....35

Necessary to the passage of the bill .....18

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1898**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast.....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1898** was ordered immediately returned to the House as passed.

On motion of Senator D. Johnson, **House Bill No. 1426** was called up for third reading and final disposition.

**HOUSE BILL NO. 1426  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE PERRY**

A Bill for an Act to be Entitled: AN ACT TO AMEND TITLE 17, CHAPTERS 30 AND 48 CONCERNING LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS; AND FOR OTHER PURPOSES.

**House Bill No. 1426** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

Necessary to the passage of the bill .....18

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1426** was ordered immediately returned to the House as passed.

On motion of Senator Wyatt, **House Bill No. 1644** was called up for third reading and final disposition.

**HOUSE BILL NO. 1644  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE DAVENPORT**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE ADDITIONAL FORMS OF SUBSIDIZATION WITH MONEYS IN THE DRINKING WATER STATE REVOLVING LOAN FUND ACCOUNT; AND FOR OTHER PURPOSES.

**House Bill No. 1644** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1644**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1644** was ordered immediately returned to the House as passed.

On motion of Senator Wyatt, **House Bill No. 1645** was called up for third reading and final disposition.

**HOUSE BILL NO. 1645  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE DAVENPORT**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE ADDITIONAL FORMS OF SUBSIDIZATION WITH MONEYS IN THE CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND; AND FOR OTHER PURPOSES.

**House Bill No. 1645** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1645**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1645** was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1882** was called up for third reading and final disposition.

**HOUSE BILL NO. 1882  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WELLS  
BY: SENATOR HORN**

A Bill for an Act to be Entitled: AN ACT TO REPEAL ARKANSAS CODE § 23-37-511 CONCERNING THE ASSIGNMENT OF SAVINGS ACCOUNTS IN LIEU OF POSTING BOND; AND FOR OTHER PURPOSES.

**House Bill No. 1882** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1882** was ordered immediately returned to the House as passed.

On motion of Senator Horn, **House Bill No. 1883** was called up for third reading and final disposition.

**HOUSE BILL NO. 1883**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE WELLS**  
**BY: SENATOR HORN**

A Bill for an Act to be Entitled: AN ACT TO UPDATE AND MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS SECURITIES ACT, 23-42-101 ET SEQ.; AND FOR OTHER PURPOSES.

**House Bill No. 1883** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

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

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1883** was ordered immediately returned to the House as passed.

On motion of Senator Elliott, **House Bill No. 1700** was called up for third reading and final disposition.

**HOUSE BILL NO. 1700  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION**

**BY: REPRESENTATIVES MOORE, T. BAKER, ALLEN, BETTS, BLOUNT, T. BRADFORD, BREEDLOVE, J. BROWN, M. BURRIS, CARNINE, CARROLL, CASH, CHEATHAM, COOK, COOPER, DAVENPORT, DAVIS, DUNN, J. EDWARDS, HALL, HARDY, HARRELSON, HAWKINS, HOUSE, HOYT, LINDSEY, LOVELL, MAXWELL, MCCRARY, PENNARTZ, PERRY, PIERCE, POWERS, RAINEY, REEP, J. ROEBUCK, SAUNDERS, G. SMITH, STEWART, TYLER, WAGNER, WEBB & WILLIAMS**

**BY: SENATORS ELLIOTT, BRYLES, GLOVER, J. JEFFRESS, D. JOHNSON, P. MALONE, SALMON & H. WILKINS**

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKIDS FIRST IMPROVEMENT ACT; TO EXPAND COVERAGE UNDER THE ARKIDS FIRST PROGRAM; AND FOR OTHER PURPOSES.

Senator Altes spoke against the Bill.

Senator Elliott closed for her Bill.

**House Bill No. 1700** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Luker, Madison, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, H. Wilkins, Wilkinson, D. Wyatt.

Total .....28

NEGATIVE: Altes.

Total .....1

ABSENT OR NOT VOTING: G. Baker, Faris, Glover, Lavery, P. Malone, Whitaker.

Total .....6

VOTING PRESENT:

Total .....0

Total number of votes cast .....	29
Necessary to the passage of the bill .....	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1700 was ordered immediately returned to the House as passed.

On motion of Senator J. Jeffress, House Bill No. 1557 was called up for third reading and final disposition.

HOUSE BILL NO. 1557  
 EIGHTY-SEVENTH GENERAL ASSEMBLY  
 REGULAR SESSION  
 BY: REPRESENTATIVE REEP

A Bill for an Act to be Entitled: AN ACT TO ALLOW A SUBURBAN IMPROVEMENT DISTRICT TO CONVEY ASSETS TO A LOCAL SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

House Bill No. 1557 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
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NEGATIVE:

Total .....	0
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ABSENT OR NOT VOTING:

Total .....	0
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VOTING PRESENT:

Total .....	0
Total number of votes cast.....	35
Necessary to the passage of the bill .....	18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1557 was ordered immediately returned to the House as passed.

On motion of Senator G. Jeffress, House Bill No. 1573 was called up for third reading and final disposition.

HOUSE BILL NO. 1573  
 EIGHTY-SEVENTH GENERAL ASSEMBLY  
 REGULAR SESSION  
 BY: REPRESENTATIVE LOWERY  
 BY: SENATOR G. JEFFRESS

A Bill for an Act to be Entitled: TO AMEND THE OIL AND GAS COMMISSION'S AUTHORITY CONCERNING RULES FOR ADMINISTERING THE NATURAL GAS PIPELINE SAFETY ACT OF 1968; TO AMEND THE DEFINITION OF "TRANSPORTATION OF GAS" UNDER THE NATURAL GAS PIPELINE SAFETY ACT OF 1971; AND FOR OTHER PURPOSES.

House Bill No. 1573 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
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NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

Necessary to the passage of the bill .....18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1573 was ordered immediately returned to the House as passed.

On motion of Senator Luker, House Bill No. 1594 was called up for third reading and final disposition.

HOUSE BILL NO. 1594  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES MALOCH AND HARRELSON  
BY: SENATOR LUKER

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS CODE § 18-44-101 ET SEQ. CONCERNING THE PERFECTION, FILING, AND ENFORCEMENT OF MECHANIC'S AND MATERIALMEN'S LIENS; AND FOR OTHER PURPOSES.

House Bill No. 1594 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

Necessary to the passage of the bill ..... 18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1594 was ordered immediately returned to the House as passed.

On motion of Senator Madison, House Bill No. 1326 was called up for third reading and final disposition.

HOUSE BILL NO. 1326

As Engrossed: H2/13/09

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES L. SMITH AND J. EDWARDS

A Bill for an Act to be Entitled: AN ACT CONCERNING CLAIMS FOR ATTORNEY’S FEES AND LITIGATION EXPENSES AGAINST THE STATE OF ARKANSAS UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

House Bill No. 1326 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....34

NEGATIVE: Altes.

Total .....1

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

Necessary to the passage of the bill .....18

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1326 was ordered immediately returned to the House as passed.

On motion of Senator Baker, Senate Bill No. 747 was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Baker, **Senate Bill No. 308** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 308**

JBC 03/12/009 (30)

Amend **Senate Bill No. 308** as originally introduced:

Page 8, line 25, delete "\$ 898,342" and substitute  
"\$ 1,803,273"

AND

Page 8, line 26, delete "252,015" and substitute "525,680"

AND

Page 8, line 28, delete "600,000" and substitute "1,032,500"

AND

Page 8, line 29, delete "17,000" and substitute "24,000"

AND

Page 8, line 30, delete "250,000" and substitute "300,000"

AND

Page 8, line 31, delete "0" and substitute "600,000"

AND

Page 8, line 33, delete "\$ 2,017,357" and substitute  
"\$ 4,285,453"

(SIGNED) SENATOR GILBERT BAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 308** was ordered engrossed.

On motion of Senator Baker, **Senate Bill No. 644** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 644**

JBC 03/12/09 (30)

Amend **Senate Bill No. 644** as originally introduced:  
Add Representative Maloch as a cosponsor of the bill.

(SIGNED) SENATOR GILBERT BAKER

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 644** was ordered engrossed.

On motion of Senator Baker, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget Bills.

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

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1124** at this time.

On motion of Senator Baker, **House Bill No. 1124** was called up for third reading and final disposition.

**HOUSE BILL NO. 1124**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PROVIDING PAYMENT OF CLAIMS TO SURVIVING SPOUSES AND/OR DEPENDENT CHILDREN OF POLICEMEN, FIREMEN, CORRECTIONAL OFFICERS AND OTHER SPECIFIED STATE EMPLOYEES KILLED IN THE OFFICIAL LINE OF DUTY, AS PRESCRIBED BY LAW; PROVIDING FOR PAYMENT OF SMALL CONTROVERSIAL AND NON-CONTROVERSIAL CLAIMS WHICH HAVE BEEN APPROVED BY THE ARKANSAS STATE CLAIMS COMMISSION; PROVIDING PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS STATE CLAIMS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1124** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1124**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
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NEGATIVE:

Total .....	0
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ABSENT OR NOT VOTING:

Total .....	0
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VOTING PRESENT:

Total .....	0
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Total number of votes cast .....	35
Necessary to the adoption of the Emergency Clause .....	24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1124** was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1137** at this time.

On motion of Senator Baker, **House Bill No. 1137** was called up for third reading and final disposition.

**HOUSE BILL NO. 1137  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE STATE BANK DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1137** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1137**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1137** was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1336** at this time.

On motion of Senator Baker, **House Bill No. 1336** was called up for third reading and final disposition.

**HOUSE BILL NO. 1336  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES, OPERATING EXPENSES AND DATA PROCESSING SYSTEM/SERVICES FOR THE OFFICE OF THE TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1336** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1336**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1336** was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1369** at this time.

On motion of Senator Baker, **House Bill No. 1369** was called up for third reading and final disposition.

**HOUSE BILL NO. 1369  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE SECRETARY OF STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1369** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1369**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1369** was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **House Bill No. 1522** at this time.

On motion of Senator Baker, **House Bill No. 1522** was called up for third reading and final disposition.

**HOUSE BILL NO. 1522  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS AND THE DIVISION OF AGRICULTURE FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS BIOSCIENCES INSTITUTES FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1522** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **House Bill No. 1522**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast.....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1522** was ordered immediately returned to the House as passed.

On motion of Senator Baker, the rules were suspended in considering **Senate Bill No. 362** at this time.

On motion of Senator Baker, **Senate Bill No. 362** was called up for third reading and final disposition.

**SENATE BILL NO. 362**  
*As Engrossed: S2/24/09*  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR D. JOHNSON**  
**BY: REPRESENTATIVE CASH**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR LEGAL COUNSEL EXPENSES FOR THE ARKANSAS COURT OF APPEALS WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY ACT 781 OF 2007; AND FOR OTHER PURPOSES.

**Senate Bill No. 362** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast .....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 362**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 362** was ordered immediately transmitted to the House.

On motion of Senator Baker, the rules were suspended in considering **Senate Bill No. 658** at this time.

On motion of Senator Baker, **Senate Bill No. 658** was called up for third reading and final disposition.

**SENATE BILL NO. 658  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS FARIS, BROADWAY & T. SMITH**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS - ARKANSAS SCHOOL FOR MATHEMATICS, SCIENCES AND ARTS - AMERICAN RECOVERY AND REINVESTMENT ACT FOR CONSTRUCTION, PERSONAL SERVICES, MAINTENANCE AND OPERATIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 658** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Laverty, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 658**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 658** was ordered immediately transmitted to the House.

On motion of Senator Baker, the rules were suspended in considering **Senate Bill No. 676** at this time.

On motion of Senator Baker, **Senate Bill No. 676** was called up for third reading and final disposition.

**SENATE BILL NO. 676  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HENDREN**

A Bill for an Act to be Entitled: AN ACT TO AMEND ACT 103 OF 2009, THE REAPPROPRIATION ACT FOR THE CAPITAL IMPROVEMENTS APPROPRIATION FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**Senate Bill No. 676** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....	35
NEGATIVE:	
Total .....	0
ABSENT OR NOT VOTING:	
Total .....	0
VOTING PRESENT:	
Total .....	0
Total number of votes cast.....	35
Necessary to the passage of the bill .....	27

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 676**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

AFFIRMATIVE: Altes, G. Baker, Bledsoe, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Faris, Glover, Hendren, Horn, G. Jeffress, J. Jeffress, B. Johnson, D. Johnson, J. Key, Lavery, Luker, Madison, P. Malone, Miller, B. Pritchard, Salmon, T. Smith, Steele, J. Taylor, Teague, R. Thompson, Trusty, Whitaker, H. Wilkins, Wilkinson, D. Wyatt.

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 676** was ordered immediately transmitted to the House.

Senate Bill No. 239 was returned from the House as passed and ordered enrolled.

Senate Bill No. 317 was returned from the House as passed and ordered enrolled.

Senate Bill No. 348 was returned from the House as passed and ordered enrolled.

Senate Bill No. 360 was returned from the House as passed and ordered enrolled.

Senate Bill No. 375 was returned from the House as passed and ordered enrolled.

Senate Bill No. 376 was returned from the House as passed and ordered enrolled.

Senate Bill No. 407 was returned from the House as passed and ordered enrolled.

Senate Bill No. 408 was returned from the House as passed and ordered enrolled.

Senate Bill No. 409 was returned from the House as passed and ordered enrolled.

Senate Bill No. 426 was returned from the House as passed and ordered enrolled.

Senate Bill No. 486 was returned from the House as passed and ordered enrolled.

Senate Bill No. 505 was returned from the House as passed and ordered enrolled.

Senate Bill No. 544 was returned from the House as passed and ordered enrolled.

Senate Bill No. 681 was returned from the House as passed and ordered enrolled.

Senate Bill No. 765 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

SENATE BILL NO. 663, BY SENATOR HORN,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

Received from the House

HOUSE CONCURRENT RESOLUTION NO. 1016  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES COOK, CASH, J. DICKINSON, GASKILL, KIDD,  
PATTERSON & J. ROGERS

BY: SENATORS MILLER AND D. WYATT

HOUSE CONCURRENT RESOLUTION RECOMMENDING THAT THE UNITED STATES CONGRESS, THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, AND THE DIRECTOR OF THE FEDERAL HIGHWAY ADMINISTRATION ENSURE THAT A SIGNIFICANT PORTION OF FUNDING FOR TRANSPORTATION INFRASTRUCTURE BE COMMITTED TO COMPLETE CONSTRUCTION OF HIGHWAY 67 FROM NEWPORT, ARKANSAS, TO THE MISSOURI STATE LINE.

House Concurrent Resolution No. 1016 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

HOUSE CONCURRENT RESOLUTION NO. 1019  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES T. BAKER, BLOUNT & RAINEY

HOUSE CONCURRENT RESOLUTION TO ENCOURAGE A NATIONAL SOLUTION TO HEALTHCARE REFORM FOR AMERICA.

House Concurrent Resolution No. 1019 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE CONCURRENT RESOLUTION NO. 1023  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WILLIAMS  
BY: SENATOR BROADWAY

HOUSE CONCURRENT RESOLUTION RECOGNIZING HEART GALLERY WEEK.

House Concurrent Resolution No. 1023 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1103  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE D. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR EMPLOYMENT SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 1103 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1475

*As Engrossed: H3/11/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES L. SMITH AND *GLIDEWELL*

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR BIRTH CERTIFICATE EXPENSES FOR THE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

**House Bill No. 1475** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1476

*As Engrossed: H3/11/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE L. SMITH AND *GLIDEWELL*

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION - REVENUE SERVICES DIVISION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF PROVIDING IDENTIFICATION CARDS; AND FOR OTHER PURPOSES.

**House Bill No. 1476** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1478  
*As Engrossed: H3/3/09 H3/6/09*  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE PATTERSON

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS TAX PROCEDURE ACT AND THE DEPARTMENT OF WORKFORCE SERVICES LAW TO ALLOW THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE DEPARTMENT OF WORKFORCE SERVICES TO SHARE INFORMATION TO ENHANCE EACH AGENCY'S RESPECTIVE AUDIT AND COMPLIANCE RESPONSIBILITIES; AND FOR OTHER PURPOSES.

**House Bill No. 1478** was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1547  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES HARDY, REEP & G. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SAU-TECH FOR RENOVATION AND OTHER EXPENSES OF THE UPTOWN CENTER AND THE CHARLES O. ROSS CENTER; AND FOR OTHER PURPOSES.

**House Bill No. 1547** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1566  
*As Engrossed: H3/12/09*  
 EIGHTY-SEVENTH GENERAL ASSEMBLY  
 REGULAR SESSION  
 BY: REPRESENTATIVE WILLIAMS

A Bill for an Act to be Entitled: AN ACT REGARDING THE CRIME OF SELLING OR LOANING PORNOGRAPHY TO MINORS; AND FOR OTHER PURPOSES.

**House Bill No. 1566** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1567  
*As Engrossed: H2/25/09*  
 EIGHTY-SEVENTH GENERAL ASSEMBLY  
 REGULAR SESSION  
 BY: REPRESENTATIVES PENNARTZ, BREEDLOVE, GLIDEWELL, R. GREEN, S. MALONE, PYLE, RICE & WELLS  
 BY: SENATORS ALTES, WHITAKER & WILKINSON

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS - FORT SMITH FOR PROPERTY ACQUISITION, NEW FACILITY DESIGN, LIBRARY CONSTRUCCION AND PARKING; AND FOR OTHER PURPOSES.

**House Bill No. 1567** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1576  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE L. SMITH

A Bill for an Act to be Entitled: AN ACT TO ADJUST FOR INFLATION THE AMOUNT IN CONTROVERSY REGARDING WAGE DISPUTES HEARD AND DECIDED BY THE DIRECTOR OF THE DEPARTMENT OF LABOR; AND FOR OTHER PURPOSES.

House Bill No. 1576 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE BILL NO. 1596  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE G. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SAU-TECH FOR CONSTRUCTION AND OTHER EXPENSES OF A WORKFORCE EDUCATION / MULTIPURPOSE BUILDING; AND FOR OTHER PURPOSES.

House Bill No. 1596 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1597  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE G. SMITH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SAU-TECH FOR DEVELOPMENT OF AN ADVANCED WELDING SCHOOL; AND FOR OTHER PURPOSES.

House Bill No. 1597 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1636  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE COOPER

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH FOR BEHAVIORAL HEALTH SERVICES; AND FOR OTHER PURPOSES.

House Bill No. 1636 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1658

*As Engrossed: H3/5/09 H3/11/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES PENNARTZ, NIX, ABERNATHY, ADCOCK, T. BAKER,  
BETTS, BLOUNT, BREEDLOVE, M. BURRIS, CASH, CLEMMER, COOK, D.  
CREEKMORE, DALE, J. DICKINSON, ENGLISH, EVERETT, GEORGE,  
GLIDEWELL, R. GREEN, HALL, HARDY, HARRELSON, HAWKINS, HOUSE,  
KERR, KIDD, KING, LEA, W. LEWELLEN, LOWERY, S. MALONE, MCCRARY,  
OVERBEY, PERRY, PIERCE, POWERS, PYLE, RAINEY, REEP, REYNOLDS, J.  
ROEBUCK, T. ROGERS, SHELBY, SLINKARD, L. SMITH, STEWART, TYLER,  
WAGNER, WILLIAMS, WOODS, WORD, ALLEN, BAIRD, BARNETT, T.  
BRADFORD, CARROLL, CHEATHAM, COLE, L. COWLING, DAVENPORT, DAVIS,  
DUNN, J. EDWARDS, FLOWERS, GASKILL, HOBBS, HOYT, D. HUTCHINSON,  
INGRAM, LINDSEY, LOVELL, MOORE, RAGLAND, RICE, SAUNDERS,  
SUMMERS, WELLS, J. BROWN, COOPER, MAXWELL & B. WILKINS  
BY: SENATORS ALTES, WHITAKER, WILKINSON, BROADWAY, ELLIOTT,  
LUKER, SALMON, MADISON, STEELE & D. WYATT

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH FOR COMMUNITY MENTAL HEALTH CENTER GRANTS; AND FOR OTHER PURPOSES.

House Bill No. 1658 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1679  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES L. SMITH, HOUSE & LINDSEY  
BY: SENATOR MADISON

A BILL FOR AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR THE DAVID AND BARBARA PRYOR CENTER FOR ORAL AND VISUAL HISTORY FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

House Bill No. 1679 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1680  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE MALOCH

A Bill for an Act to be Entitled: AN ACT TO PROVIDE THAT A STATE EMPLOYEE WHO PREVIOUSLY WORKED FOR A SCHOOL DISTRICT OR INSTITUTION OF HIGHER LEARNING IS ELIGIBLE FOR CATASTROPHIC LEAVE; AND FOR OTHER PURPOSES.

House Bill No. 1680 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

**HOUSE BILL NO. 1693**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE SUMMERS**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF BEHAVIORAL HEALTH FOR AN ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM GRANT; AND FOR OTHER PURPOSES.

**House Bill No. 1693** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

**HOUSE BILL NO. 1741**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE MALOCH**  
**BY: SENATOR FARIS**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE ARKANSAS AGRICULTURE DEPARTMENT – LIVESTOCK AND POULTRY FOR CAMP COUCHDALE FOR FACILITY IMPROVEMENTS AND BUILDING CONSTRUCTION; AND FOR OTHER PURPOSES.

**House Bill No. 1741** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1742  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE MALOCH

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE SOUTHERN ARKANSAS UNIVERSITY FOR CONSTRUCTION AND OPERATING EXPENSES OF A NATURAL RESOURCES RESEARCH CENTER; AND FOR OTHER PURPOSES.

**House Bill No. 1742** was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1751  
*As Engrossed: H3/4/09, H3/12/09*  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE R. GREEN

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE AUTHORITY OF A CITY OF THE FIRST CLASS AND A CITY OF THE SECOND CLASS TO REGULATE AMBULANCE PATIENT TRANSPORTS; AND FOR OTHER PURPOSES.

**House Bill No. 1751** was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 1763  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES ABERNATHY, J. DICKINSON & OVERBEY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES FOR UNIVERSITY HOSPITAL EQUIPMENT; AND FOR OTHER PURPOSES.

House Bill No. 1763 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1787  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVE ABERNATHY

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION TO THE RICH MOUNTAIN COMMUNITY COLLEGE FOR CONSTRUCTION, RENOVATION, EQUIPMENT, PERSONAL SERVICES, MAINTENANCE AND OPERATING EXPENSE; AND FOR OTHER PURPOSES.

House Bill No. 1787 was read the first time, rules suspended, read the second time and placed on the Calendar.

Received from the House

HOUSE BILL NO. 1808

*As Engrossed: H3/9/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES ALLEN, J. ROEBUCK, ABERNATHY, T. BAKER,  
BETTS, BLOUNT, T. BRADFORD, CARNINE, CHEATHAM, COLE, COOK, DAVIS,  
J. DICKINSON, GREENBERG, HARDY, D. HUTCHINSON, W. LEWELLEN,  
SAUNDERS, G. SMITH, STEWART, SUMMERS, TYLER & WILLIAMS

BY: SENATOR G. BAKER

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS COLLEGE AND CAREER READINESS PLANNING PROGRAM ACT; TO LOWER EDUCATIONAL COSTS, SHORTEN A STUDENT'S TIME TO DEGREE COMPLETION, AND INCREASE THE OVERALL SUCCESS RATE OF ARKANSAS STUDENTS BY REDUCING THE NEED FOR REMEDIATION; TO ENSURE THAT STUDENTS HAVE THE CAREER READINESS SKILLS TO COMPETE IN THE GLOBAL ECONOMY; AND FOR OTHER PURPOSES.

**House Bill No. 1808** was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 1831

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES T. ROGERS, HOYT, REYNOLDS, HAWKINS &  
STEWART

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE LAW CONCERNING THE COST OF COLLECTING AD VALOREM TAXES ON MINERAL INTERESTS; AND FOR OTHER PURPOSES.

**House Bill No. 1831** was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1843  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES STEWART, COOK, PIERCE, J. EDWARDS, ENGLISH,  
J. ROEBUCK & PENNARTZ  
BY: SENATOR TEAGUE

A Bill for an Act to be Entitled: AN ACT TO AMEND THE SPECIAL LICENSE PLATE ACT OF 2005 TO ALLOW RETIRED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES TO OBTAIN SPECIAL LICENSE PLATES FOR NOMINAL FEES; TO AMEND PROVISIONS RELATED TO SPECIAL LICENSE PLATES FOR MILITARY SERVICE AND VETERANS; AND FOR OTHER PURPOSES.

House Bill No. 18743 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 1939  
*As Engrossed: H3/12/09*  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

By: REPRESENTATIVES SAUNDERS, WEBB, BARNETT, M. BURRIS, LOWERY,  
REEP, J. ROGERS  
BY: SENATORS BROADWAY, SALMON & T. SMITH

A Bill for an Act to be Entitled: AN ACT TO REPEAL THE SUNSETTED MOTION PICTURE INCENTIVE ACT OF 1997; TO ESTABLISH THE DIGITAL PRODUCT AND MOTION PICTURE INDUSTRY DEVELOPMENT ACT OF 2009; AND FOR OTHER PURPOSES.

House Bill No. 1939 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY & ECONOMIC DEVELOPMENT.

Received from the House

HOUSE BILL NO. 1944

*As Engrossed: H3/12/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE HYDE

A Bill for an Act to be Entitled: AN ACT TO CLARIFY LANGUAGE REGARDING INSURANCE COVERAGE FOR CONSTRUCTION CONTRACTS; AND FOR OTHER PURPOSES.

**House Bill No. 1944** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE BILL NO. 1961

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE PYLE

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT TO ANALYZE WRONG-WAY CRASHES ON INTERSTATES AND OTHER FREEWAYS THAT ARE A PART OF THE STATE HIGHWAY SYSTEM; TO IMPLEMENT WARRANTED AND FEASIBLE COUNTERMEASURES THAT MAY REDUCE THE POSSIBILITY OF WRONG-WAY CRASHES; AND FOR OTHER PURPOSES.

**House Bill No. 1961** was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 2031  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES OVERBEY AND HOYT

A Bill for an Act to be Entitled: AN ACT CONCERNING SUITS AGAINST PUBLIC FACILITIES BOARDS; AND FOR OTHER PURPOSES.

House Bill No. 2031 was read the first time, rules suspended, read the second time and referred to the Committee on CITY, COUNTY & LOCAL AFFAIRS.

Received from the House

HOUSE BILL NO. 2034  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE SAUNDERS

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE DISTRIBUTION OF FINES COLLECTED RELATED TO UNLAWFUL TOWING OPERATIONS; AND FOR OTHER PURPOSES.

House Bill No. 2034 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 2039  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE WELLS

A Bill for an Act to be Entitled: AN ACT REGARDING SALES LIMITS FOR EPHEDRINE; AND FOR OTHER PURPOSES.

House Bill No. 2039 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 2074  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE HAWKINS

A Bill for an Act to be Entitled: AN ACT TO AMEND § 16-21-2501 CONCERNING THE APPOINTMENT AND AUTHORITY OF INVESTIGATORS FOR THE TWENTIETH JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.

House Bill No. 2074 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 2114  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE J. ROEBUCK  
BY: SENATOR BOOKOUT

A Bill for an Act to be Entitled: AN ACT TO MODIFY THE FUNDING FORMULA MODEL FOR UNIVERSITIES; AND FOR OTHER PURPOSES.

House Bill No. 2114 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 2132  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE STEWART

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THAT AN OWNER OF A BOAT LIVERY SHALL RECORD THE REGISTRATION NUMBER OF A MOTORBOAT; TO REQUIRE A BOAT LIVERY TO NOT ALLOW A VESSEL TO DEPART FROM THE PREMISES WITHOUT THE EQUIPMENT REQUIRED BY LAW; AND FOR OTHER PURPOSES.

House Bill No. 2132 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

**HOUSE BILL NO. 2222**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVES ADCOCK AND HALL**

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ANIMAL RESCUE AND SHELTER TRUST FUND; TO PROVIDE FOR AND ISSUE A SPECIAL LICENSE PLATE FOR THE SUPPORT OF ANIMAL RESCUE AND SHELTERS; AND FOR OTHER PURPOSES.

**House Bill No. 2222** was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY AND LEGISLATIVE AFFAIRS.

Received from the House

**HOUSE BILL NO. 2258**  
**EIGHTY-SEVENTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: REPRESENTATIVE WELLS**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE COURT TO ORDER A REGISTERED SEX OFFENDER, AS A CONDITION OF HIS OR HER RELEASE FROM CUSTODY, NOT TO RETURN TO THE LOCATION WHERE HE OR SHE WAS RESIDING IF THE RESIDENCE WAS LOCATED WITHIN 2,000 FEET OF A SCHOOL, PARK, YOUTH CENTER, OR DAYCARE FACILITY; AND FOR OTHER PURPOSES.

**House Bill No. 2258** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 2259  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE COLE

A Bill for an Act to be Entitled: AN ACT INCREASING THE FELONY CLASSIFICATION FOR NEGLIGENT HOMICIDE; TO PROVIDE FOR LICENSE SUSPENSION FOR A CONVICTION FOR NEGLIGENT HOMICIDE; TO PROVIDE FOR A DWI ENHANCEMENT FOR A CONVICTION FOR NEGLIGENT HOMICIDE;

House Bill No. 2259 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Senate Bill No. 88 was returned from the House as passed, as amended.

Senate Bill No. 312 was returned from the House as passed, as amended.

On motion of Senator Steele, Senate Bill No. 312 was ordered re-referred to the Committee on EDUCATION.

Senate Bill No. 230 was returned from the House as passed and ordered enrolled.

Senate Bill No. 380 was returned from the House as passed and ordered enrolled.

Senate Bill No. 450 was returned from the House as passed and ordered enrolled.

Senate Bill No. 831 was returned from the House as passed and ordered enrolled.

Received from the House

HOUSE BILL NO. 1568  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE HOBBS  
BY: SENATOR BLEDSOE

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS PROVISIONS OF THE ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT; AND FOR OTHER PURPOSES.

House Bill No. 1568 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE BILL NO. 1569  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE HOBBS  
BY: SENATOR BLEDSOE

A Bill for an Act to be Entitled: AN ACT TO AMEND VARIOUS SECTIONS OF THE ADULT MALTREATMENT CUSTODY ACT; AND FOR OTHER PURPOSES.

House Bill No. 1569 was read the first time, rules suspended, read the second time and referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

Received from the House

HOUSE BILL NO. 1624

*As Engrossed: H3/11/09*

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES DUNN, *LOWERY, MALOCH, M. BURRIS*, BAIRD, BARNETT, BREEDLOVE, J. BURRIS, CARNINE, CARTER, CLEMMER, DALE, DISMANG, ENGLISH, GARNER, GLIDEWELL, R. GREEN, HOPPER, D. HUTCHINSON, HYDE, KERR, KING, LEA, S. MALONE, M. MARTIN, MOORE, PENNARTZ, REYNOLDS, RICE, J. ROEBUCK, WELLS & *RAGLAND*

A Bill for an Act to be Entitled: AN ACT TO PROMOTE ECONOMIC DEVELOPMENT WITHIN THE STATE BY EXEMPTING FROM THE STATE SALES TAX FUEL AND ENERGY USED OR CONSUMED IN MANUFACTURING; AND FOR OTHER PURPOSES.

**House Bill No. 1624** was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1671

EIGHTY-SEVENTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE HARRELSON

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

**House Bill No. 1671** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1849  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE NICKELS

A Bill for an Act to be Entitled: AN ACT TO PREVENT EXPUNGEMENT OF A SECOND OR SUBSEQUENT OFFENSE OF DOMESTIC BATTERY; AND FOR OTHER PURPOSES.

House Bill No. 1849 was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

Received from the House

HOUSE BILL NO. 1948  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE J. BROWN

A Bill for an Act to be Entitled: AN ACT CONCERNING EXEMPTIONS FROM THE JURISDICTION OF THE ARKANSAS PUBLIC SERVICE COMMISSION WITH REGARD TO LOANS MADE OR GUARANTEED BY CERTAIN LISTED ENTITIES; AND FOR OTHER PURPOSES.

House Bill No. 1948 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

Received from the House

HOUSE BILL NO. 1953  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES MOORE, HYDE, ABERNATHY, ADCOCK, ALLEN, 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, HALL, HARDY, HARRELSON, HAWKINS, HOBBS, HOPPER, HOUSE, HOYT, D. HUTCHINSON, INGRAM, KERR, KIDD, KING, LEA, W. LEWELLEN, LINDSEY, LOVELL, LOWERY, MALOCH, S. MALONE, M. MARTIN, MAXWELL, MCCRARY, MCLEAN, NICKELS, NIX, OVERBEY, PATTERSON, PENNARTZ, PERRY, PIERCE, POWERS, PYLE, RAGLAND, RAINEY, REEP, REYNOLDS, RICE, J. ROEBUCK, J. ROGERS, T. ROGERS, SAMPLE, SAUNDERS, SHELBY, SLINKARD, G. SMITH, L. SMITH, STEWART, SUMMERS, TYLER, WAGNER, WEBB, WELLS, B. WILKINS, WILLIAMS, WILLS, WOODS & WORD  
BY: SENATORS ALTES, G. JEFFRESS, J. JEFFRESS & J. KEY

A Bill for an Act to be Entitled: AN ACT TO ENCOURAGE AND FOSTER ECONOMIC DEVELOPMENT AND REVITALIZE COMMUNITIES BY ALLOWING A TAX CREDIT FOR THE REHABILITATION OF HISTORIC STRUCTURES LOCATED IN ARKANSAS; AND FOR OTHER PURPOSES.

House Bill No. 1953 was read the first time, rules suspended, read the second time and referred to the Committee on REVENUE & TAXATION.

Received from the House

HOUSE BILL NO. 1990  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: REPRESENTATIVES J. ROEBUCK, D. HUTCHINSON, M. BURRIS,  
CARNINE, CLEMMER, COLE, NICKELS, SAUNDERS, G. SMITH & STEWART  
BY: SENATORS G. BAKER AND MADISON

A Bill for an Act to be Entitled: AN ACT TO REQUIRE CLEAR EXIT STANDARDS FOR ALL REMEDIAL COURSES TAKEN AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; TO IMPROVE THE TEACHING TECHNIQUES OF REMEDIAL COURSES; AND FOR OTHER PURPOSES.

House Bill No. 1990 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

Received from the House

HOUSE BILL NO. 2046  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVES WELLS AND INGRAM

A Bill for an Act to be Entitled: AN ACT CONCERNING WRITTEN CONTRACTS FOR THE SOLICITATION OF ADVERTISING; AND FOR OTHER PURPOSES.

House Bill No. 2046 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 644**, BY SENATOR FARIS,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

**SENATE BILL NO. 308**, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN

On motion of Senator BAKER, **SENATE Bill No. 308** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

SENATE BILL 780, BY SENATOR PRITCHARD,  
SENATE BILL 961, BY SENATOR BLEDSOE,

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

Respectfully submitted,

(SIGNED) SENATOR PERCY MALONE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

HOUSE BILL 1518, BY REPRESENTATIVE REEP,

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

Respectfully submitted,

(SIGNED) SENATOR PERCY MALONE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION

March 16, 2009

Mr. President:

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

HOUSE BILL 1552, BY REPRESENTATIVE L. SMITH

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

Respectfully submitted,

SIGNED) SENATOR PERCY MALONE  
CHAIRMAN

NOTICE OF CORRECTION  
EIGHTY-SEVENTH GENERAL ASSEMBLY  
REGULAR SESSION  
ARKANSAS SENATE

March 13, 2009

TO: SECRETARY OF THE SENATE

THIS IS YOUR AUTHORITY TO CORRECT OBVIOUS CLERICAL ERRORS IN SENATE BILL NO. 416 NOW IN THE SENATE: THE CORRECTION(S) NEEDED IS (ARE) DURING ENGROSSING THE NUMBER "3" WAS EXCLUDED FROM THE POSITION GRADE ON PAGE 11, LINE 23 OF THE 3-11-2009 ENGROSSMENT. THE GRADE SHOULD READ "C113" INSTEAD OF THE CURRENT DENOTATION OF "C11".

(SIGNED) JOHN PAUL CAPPS  
CHAIRMAN, TECHNOLOGY AND  
LEGISLATIVE AFFAIRS

1. Make note on Bill Jacket "Correction Note".
2. File at end of the official daily Journal for date on which the correction was made.

SENATE BILLS TRANSMITTED TO THE HOUSEAS PASSED

SENATE BILL NO. 362

SENATE BILL NO. 658

SENATE BILL NO. 676

SENATE BILL NO. 764

SENATE BILL NO. 776

SENATE BILL NO. 841

HOUSE BILLS RETURNED TO THE HOUSEAS PASSED

HOUSE BILL NO. 1124

HOUSE BILL NO. 1137

HOUSE BILL NO. 1326

HOUSE BILL NO. 1336

HOUSE BILL NO. 1369

HOUSE BILL NO. 1379

HOUSE BILL NO. 1426

HOUSE BILL NO. 1522

HOUSE BILL NO. 1557

HOUSE BILL NO. 1573

HOUSE BILL NO. 1594

HOUSE BILL NO. 1644

HOUSE BILL NO. 1645

HOUSE BILL NO. 1700

HOUSE BILL NO. 1882

HOUSE BILL NO. 1883

HOUSE BILL NO. 1898

HOUSE BILL RETURNED TO THE HOUSEAS PASSED AS AMENDED

HOUSE BILL NO. 1705, AS AMENDED NO. 1

HOUSE CONCURRENT RESOLUTION RETURNED  
TO THE HOUSE AS CONCURRED IN  
HOUSE CONCURRENT RESOLUTION NO. 1010

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 230  
SENATE BILL NO. 239  
SENATE BILL NO. 317  
SENATE BILL NO. 348  
SENATE BILL NO. 360  
SENATE BILL NO. 375  
SENATE BILL NO. 376  
SENATE BILL NO. 380  
SENATE BILL NO. 407  
SENATE BILL NO. 408  
SENATE BILL NO. 409  
SENATE BILL NO. 426  
SENATE BILL NO. 450  
SENATE BILL NO. 486  
SENATE BILL NO. 505  
SENATE BILL NO. 544  
SENATE BILL NO. 681  
SENATE BILL NO. 765  
SENATE BILL NO. 831

SENATE BILLS RETURNED FROM THE HOUSE  
AS PASSED AS AMENDED

SENATE BILL NO. 88, AS AMENDED NO. 1  
SENATE BILL NO. 312, AS AMENDED NO. 1

HOUSE BILLS TRANSMITTED TO THE SENATEAS PASSED

HOUSE BILL NO. 1103  
HOUSE BILL NO. 1475  
HOUSE BILL NO. 1476  
HOUSE BILL NO. 1478  
HOUSE BILL NO. 1547  
HOUSE BILL NO. 1566  
HOUSE BILL NO. 1567  
HOUSE BILL NO. 1568  
HOUSE BILL NO. 1569  
HOUSE BILL NO. 1576  
HOUSE BILL NO. 1596  
HOUSE BILL NO. 1597  
HOUSE BILL NO. 1624  
HOUSE BILL NO. 1636  
HOUSE BILL NO. 1658  
HOUSE BILL NO. 1671  
HOUSE BILL NO. 1679  
HOUSE BILL NO. 1680  
HOUSE BILL NO. 1693  
HOUSE BILL NO. 1741  
HOUSE BILL NO. 1742  
HOUSE BILL NO. 1751  
HOUSE BILL NO. 1763  
HOUSE BILL NO. 1787  
HOUSE BILL NO. 1808  
HOUSE BILL NO. 1831  
HOUSE BILL NO. 1843  
HOUSE BILL NO. 1849  
HOUSE BILL NO. 1939  
HOUSE BILL NO. 1944  
HOUSE BILL NO. 1948  
HOUSE BILL NO. 1953  
HOUSE BILL NO. 1961  
HOUSE BILL NO. 1990  
HOUSE BILL NO. 2031  
HOUSE BILL NO. 2034

HOUSE BILL NO. 2039

HOUSE BILL NO. 2046

HOUSE BILL NO. 2074

HOUSE BILL NO. 2114

HOUSE BILL NO. 2132

HOUSE BILL NO. 2222

HOUSE BILL NO. 2258

HOUSE BILL NO. 2259

HOUSE CONCURRENT RESOLUTIONS TRANSMITTED

TO THE SENATE AS ADOPTED

HOUSE CONCURRENT RESOLUTION NO. 1016

HOUSE CONCURRENT RESOLUTION NO. 1019

HOUSE CONCURRENT RESOLUTION NO. 1023

On motion of Senator Luker, the Senate adjourned until 1:30 p.m., Tuesday, March 17, 2009.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE