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

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Little Rock, Arkansas  
January 16, 2013

The Senate was called to order at 1:00 o'clock p.m. by the President.

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

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

The Senate was led in prayer by Senator Hester.

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

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

On motion of Senator English, **Senate Bill No. 3** was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 3**

Amend **Senate Bill No. 3** as originally introduced:  
Add Senator E. Williams as a cosponsor of the bill;

AND

Add Representative J. Edwards as a cosponsor of the bill;

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 3** was ordered engrossed.

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

January 16, 2013

Mr. President:

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

**SENATE BILL NO. 3**, BY SENATOR JANE ENGLISH,

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

Respectfully submitted,  
(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

On motion of Senator English, **Senate Bill No. 3** was ordered re-referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

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

January 16, 2013

Mr. President:

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

**SENATE BILL NO. 4**, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,  
(SIGNED) SENATOR JOHNNY KEY, CHAIRMAN

SENATE JOINT RESOLUTION NO. 2  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

BY: SENATORS J. HUTCHINSON, FILES, J. HENDREN, HOLLAND, J. WOODS, J.  
DISMANG, HESTER, G. STUBBLEFIELD, S. FLOWERS, R. THOMPSON, D.  
JOHNSON, B. PIERCE, D. WYATT, BURNETT, E. CHEATHAM, U. LINDSEY &  
ELLIOTT

BY: REPRESENTATIVES WRIGHT, HAMMER, D. ALTES, J. BURRIS, NEAL, KIZZIA,  
LEDING, VINES, DAVIS, STEEL, SABIN, MCLEAN & BALLINGER

SENATE JOINT RESOLUTION AMENDING THE ARKANSAS CONSTITUTION CONCERNING THE PROCEDURES FOR CIVIL CLAIMS; PROVIDING FOR THE AWARD OF COSTS AND FEES WHEN A CLAIM IS DISMISSED FOR FAILURE TO STATE FACTS UPON WHICH RELIEF CAN BE GRANTED AND THE CLAIM IS FRIVOLOUS AND STATING CERTAIN EXCEPTIONS TO THIS RULE; ESTABLISHING THE BURDEN OF PROOF IN ACTIONS FOR MEDICAL INJURY WHEN THE ASSERTED NEGLIGENCE DOES NOT LIE WITHIN THE JURY'S COMPREHENSION AS A MATTER OF COMMON KNOWLEDGE; PROVIDING FOR THE FILING OF A CERTIFICATE OF GOOD FAITH IN CONJUNCTION WITH AN ACTION FOR MEDICAL INJURY IN WHICH EXPERT TESTIMONY IS REQUIRED UNDER ARKANSAS LAW; AND REQUIRING WRITTEN NOTICE OF A CLAIM FOR MEDICAL INJURY TO PERSONS ALLEGEDLY LIABLE BEFORE THE COMMENCEMENT OF A LEGAL CLAIM.

**Subtitle**

THE TORT REFORM AMENDMENT OF 2013.

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

SECTION 1. This amendment shall be known and may be cited as the "Tort Reform Amendment of 2013".

SECTION 2. Article 7 of the Arkansas Constitution is amended to add additional sections to read as follows:

§ 53. Motions to dismiss.

(a) As used in this section, "frivolous" means a claim that is:

- (1) Not well grounded in fact;
- (2) Not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; or
- (3) Interposed for an improper purpose, including without limitation to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(b)(1)(A) When a court grants a motion to dismiss for failure to state facts upon which relief can be granted and makes a finding that the claim is frivolous, the court shall award the party or parties against whom the dismissed claims were pending at the time the successful motion to dismiss was granted the costs and reasonable and necessary attorney's fees incurred in the proceedings.

(B) The awarded costs and fees shall be paid by the party or parties whose claim or claims were dismissed as a result of the granted motion to dismiss.

(2) Costs awarded shall include all reasonable and necessary litigation costs actually incurred due to the proceedings that resulted from the filing of the dismissed claims, including without limitation:

- (A) Court costs;
- (B) Attorney's fees;
- (C) Court reporter fees;
- (D) Interpreter fees; and
- (E) Guardian ad litem fees.

(c)(1) An award of costs under this section shall be made only:

(A) After all appeals of the issue of the granting of the motion to dismiss have been exhausted; and

(B) If the final outcome is the granting of the motion to dismiss.

(2) The award of costs and attorney's fees under this section shall be stayed until a final decision that is not subject to appeal is rendered.

(d)(1) Notwithstanding any other provision of this section, the court shall not require a party to pay costs under this section in excess of a combined total of ten thousand dollars (\$10,000) in any single lawsuit.

(2) When multiple parties are entitled to recover their costs from a single party under this section and those parties' combined actual costs under this section exceed ten thousand dollars (\$10,000), then the court shall apportion the awarded costs to the moving parties in proportion to the amount of each moving party's incurred costs unless agreed otherwise by the moving parties.

(3) This section does not limit the award of costs as otherwise provided under Arkansas law, court rules, or at common law.

(e) This section does not apply to:

(1) Actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law;

(2) Any claim that is dismissed by the granting of a motion to dismiss that was filed more than sixty (60) days after the moving party received service of the latest complaint, counter-complaint, or cross-complaint in which that dismissed claim was made;

(3)(A) Any claim that the party against whom the motion to dismiss was filed:

(i) Withdrew; or

(ii) In good faith amended to state a claim upon which relief may be granted.

(4)(A) Except as provided in subdivision (e)(4)(B) of this section, actions by pro se litigants.

(B) Subdivision (e)(4)(A) of this section does not apply if the court also finds that the pro se litigant acted unreasonably in bringing or refusing to voluntarily withdraw the dismissed claim;

(5)(A) Except as provided in subdivision (e)(5)(B) of this section, any claim that is a good faith, nonfrivolous claim filed for the express purpose of:

(i) Extending, modifying, or reversing existing precedent, law, rule, or regulation; or

(ii) Establishing the meaning, lawfulness, or constitutionality of a law, rule, regulation, or United States or Arkansas constitutional right if the meaning, lawfulness, or constitutionality is a matter of first impression that has not been established by precedent in a published opinion by the Supreme Court, Court of Appeals, a United States district court in Arkansas, or the United States Supreme Court.

(B) Subdivision (e)(5)(A) of this section does not apply unless at the time the successful motion to dismiss was filed, the party that made the dismissed claim had:

(i) Specially pleaded in its latest complaint, counter-complaint, or cross-complaint that the dismissed claim was made for one (1) of the express purposes under subdivision (e)(5)(A) of this section; and

(ii) Cited the contrary precedent or interpretation the party seeks to distinguish or overcome or stated that the issue to be decided is a matter of first impression as described in subdivision (e)(5) of this section; or

(6) Any claim for which relief could be granted under a law, a court precedent published by a court described in subdivision (e)(5) of this section, a rule, or a regulation that was in effect and applicable to the claim at the time the motion to dismiss was filed when the:

(A) Law, precedent, rule, or regulation was cited in the pleading in which the dismissed claim was made or in the response to the motion to dismiss; and

(B) Motion to dismiss the claim was granted due to the subsequent repeal, amendment, overruling, or distinguishing of that law, rule, regulation, or published court precedent.

(f) This section does not limit the ability of a court to dismiss a claim or assess costs against a party whose claim has been dismissed when permitted or required by other law, court rule, or at common law.

#### § 54. Burden of proof.

(a)(1)(A) As used in this section, "same specialty as the defendant" means a medical care provider who practices the treatment or procedure at issue in the action for medical injury.

(B) "Same specialty as the defendant" does not mean a medical care provider with the same specific credentials of the defendant physician.

(2) A physician who by education, training, and experience is familiar with the treatment or procedure at issue in an action for medical injury shall be deemed to practice in the same specialty at issue.

(b) In an action for medical injury, when the asserted negligence does not lie within the jury's comprehension as a matter of common knowledge, the plaintiff shall have the burden of proving:

(1) By means of expert testimony provided only by a medical care provider of the same specialty as the defendant, the degree of skill and learning ordinarily possessed and used by members of the profession of the medical care provider in good standing, engaged in the same type of practice or specialty in the locality in which he or she practices or in a similar locality;

(2) By means of expert testimony provided only by a medical care provider of the same specialty as the defendant that the medical care provider failed to act in accordance with that standard; and

(3) By means of expert testimony provided only by a qualified medical expert that as a proximate result thereof the injured person suffered injuries that would not otherwise have occurred.

(c)(1) Without limiting the applicability of subsection (b) of this section, when the plaintiff claims that a medical care provider failed to supply adequate information to obtain the informed consent of the injured person, the plaintiff shall have the burden of proving that the:

(A) Treatment, procedure, or surgery was performed in other than an emergency situation; and

(B) Medical care provider did not supply that type of information regarding the treatment, procedure, or surgery as would customarily have been given to a patient in the position of the injured person or other persons authorized to give consent for such a patient by other medical care providers with similar training and experience at the time of the treatment, procedure, or surgery in the locality in which the medical care provider practices or in a similar locality.

(2) In determining whether the plaintiff has satisfied the requirements of subdivision (c)(1) of this section, the following matters shall be considered as material issues:

(A) Whether a person of ordinary intelligence and awareness in a position similar to that of the injured person or persons giving consent on his or her behalf could reasonably be expected to know of the risks or hazards inherent in such treatment, procedure, or surgery;

(B) Whether the injured party or the person giving consent on his or her behalf knew of the risks or hazards inherent in such treatment, procedure, or surgery;

(C) Whether the injured party would have undergone the treatment, procedure, or surgery regardless of the risk involved or whether he or she did not wish to be informed thereof; and

(D) Whether it was reasonable for the medical care provider to limit disclosure of information because such disclosure could be expected to adversely and substantially affect the injured person's condition.

§ 55. Certificate of good faith.

(a)(1) In an action for medical injury in which expert testimony is required under Arkansas law, the plaintiff or plaintiff's counsel shall file a certificate of good faith with the complaint.

(2) If the certificate is not filed with the complaint, the complaint shall be dismissed as provided in subsection (d) of this section absent a showing that the failure to file a certificate of good faith was due to:

(A) The failure of the provider to timely provide copies of the claimant's records requested under Arkansas law; or

(B) Demonstrated extraordinary cause.

(b) The certificate of good faith shall state that:

(1) The plaintiff or plaintiff's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming that upon information and belief they:

(A) Are competent under Arkansas law to express an opinion or opinions in the case; and

(B) Believe, based on the information available from the medical records concerning the care and treatment of the plaintiff for the incident or incidents at issue, that there is a good-faith basis to maintain the action consistent with the requirements of Arkansas law; or

(2) The plaintiff or plaintiff's counsel has consulted with one (1) or more experts who have provided a signed written statement confirming that upon information and belief they:

(A) Are competent under Arkansas law to express an opinion or opinions in the case; and

(B)(i) Believe, based on the information available from the medical records reviewed concerning the care and treatment of the plaintiff for the incident or incidents at issue and, as appropriate, information from the plaintiff or others with knowledge of the incident or incidents at issue, that there are facts material to the resolution of the case that cannot be reasonably ascertained from the medical records or information reasonably available to the plaintiff or plaintiff's counsel and that, despite the absence of this information, there is a good-faith basis for maintaining the action as to each defendant consistent with the requirements of Arkansas law.

(ii) Refusal of the defendant to release the medical records in a timely fashion or when it is impossible for the plaintiff to obtain the medical records shall waive the requirement that the expert review the medical record prior to expert certification.

(c) Within thirty (30) days after a defendant has alleged in an answer or amended answer that a nonparty is at fault for the injuries or death of the plaintiff and expert testimony is required to prove fault as required by Arkansas law, each defendant or defendant's counsel shall file a certificate of good faith stating that:

(1) The defendant or defendant's counsel has consulted with one (1) or more experts, which may include the defendant's filing the certificate of good faith, who have provided a signed written statement confirming that upon information and belief they:

(A) Are competent under Arkansas law to express an opinion or opinions in the case; and

(B) Believe, based on the information reviewed concerning the care and treatment of the plaintiff for the incident or incidents at issue, that there is a good-faith basis to allege such a fault against another consistent with the requirements of Arkansas law; or

(2) The defendant or defendant's counsel has consulted with one (1) or more medical experts, which may include the defendant's filing the certificate of good faith, who have provided a signed written statement confirming that upon information and belief they:

(A) Are competent under Arkansas law to express an opinions or opinions in the case; and

(B) Believe, based on the information reviewed concerning the care and treatment of the plaintiff for the incident or incidents at issue, that:

(i) There are facts material to the resolution of the case that cannot be reasonably ascertained from the information reasonably available to the defendant or defendant's counsel; and

(ii) Despite the absence of the material facts under subdivision (c)(2)(B)(i) of this section, there is a good-faith basis for alleging such a fault against another, whether already a party to the action or not, consistent with the requirements of Arkansas law.

(d)(1) The failure of a plaintiff to file a certificate of good faith in compliance with this section shall, upon motion, make the action subject to dismissal with prejudice.

(2) The failure of a defendant to file a certificate of good faith in compliance with this section alleging the fault of a nonparty shall, upon motion, make such allegations subject to being stricken with prejudice unless the plaintiff consents to waive compliance with this section.

(3) If the allegations are stricken, a defendant, except for a defendant who complied with this section, cannot assert, and neither shall the judge nor jury consider, the fault, if any, of those identified by the allegations.

(4) The court may, upon motion, grant an extension within which to file a certificate of good faith if the court determines that a health care provider who has medical records relevant to the issues in the case has failed to timely produce medical records upon timely request, or for other good cause shown.

§ 56. Notice of claim for medical injury.

(a) An action for medical injury shall not be commenced until at least sixty (60) days after service of a written notice of the alleged claim for medical injury upon the person or persons alleged to be liable, by certified or registered mail, to the last known address of the person or persons allegedly liable.

(b) If the written notice under subsection (a) of this section is served within sixty (60) days of the expiration of the period for bringing suit, the time for commencement of the action shall be extended one hundred and eighty (180) days from the service of the notice.

(c)(1) Except as provided in subdivision (c)(2) of this section, during the one-hundred-eighty-day extension of the statute of limitations under subsection (b) of this section a potential party to the alleged claim or an attorney for a potential party to the alleged claim shall not have ex parte communication with the claimant's treating medical care providers.

(2) A potential party to the alleged claim or an attorney for a potential party to the alleged claim may request medical records from the *claimant's treating medical care providers upon proper authorization.*

§ 57. Limitations on the amount of punitive damages.

(a) Except as provided in subsection (b) of this section, a punitive damages award for each plaintiff in a civil action shall not be more than nine (9) times the amount of compensatory damages awarded in the civil action.

(b) Subsection (a) of this section does not apply when the finder of fact:

(1) Determines by clear and convincing evidence that, at the time of the injury, the defendant intentionally pursued a course of conduct that shocks the conscience for the purpose of causing serious bodily injury or death; and

(2) Determines that the defendant's conduct did, in fact, result in serious bodily injury or death.

§ 58. Apportionment of tort responsibility.

(a) As used in this section:

(1) "Contributory fault" includes contributory negligence, misuse of a product, unreasonable failure to avoid or mitigate harm, and assumption of risk unless the risk is expressly assumed in a legally enforceable release or similar agreement;

(2) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

(3) "Released person" means a person that would be liable for damages to a claimant for personal injury or harm to property if the person had not been discharged from liability under subsection (g) of this section; and

(4) "Responsibility", with respect to a claim for damages for personal injury or harm to property, means the legal consequences of an act or omission that is the basis for liability or a defense in whole or in part.

(b)(1) Except as otherwise provided in subsection (b)(2) and (b)(3) of this section, in an action seeking damages for personal injury or harm to property based on negligence or on any other claim for which the claimant may be subject to a defense in whole or part based on contributory fault, any contributory fault chargeable to the claimant diminishes the amount that the claimant otherwise would be entitled to recover as compensatory damages for the injury or harm by the percentage of responsibility assigned to the claimant pursuant to subsection (c) of this section.

(2) If the claimant's contributory fault is equal to or greater than the combined responsibility of all other parties and released persons whose responsibility is determined to have caused personal injury to or harm to property of the claimant, the claimant may not recover any damages.

(3) A party is responsible for the fault of another person or entity or for the payment of a proportionate share of another person or entity if the other person or entity was acting as an agent or servant of the party.

(3) In a jury trial, the court shall instruct the jury regarding the legal effect of its answers to interrogatories, made under subsection (c) of this section, on a claimant's right to recover damages under subsection (b)(2) of this section.

(c)(1) In an action to recover damages for personal injury or harm to property involving the responsibility of more than one party or a released person, the court shall instruct the jury to answer special interrogatories or, if there is no jury, make findings:

(A) Stating the amount of damages that a claimant would be entitled to recover if any contributory fault were disregarded;

(B) Stating, as to each claim, the percentage of the total responsibility of all the parties and released persons attributed to each claimant, defendant, and released person that caused the injury or harm;

(C) Regarding whether any of the parties or released persons acted in concert or with an intent to cause personal injury or harm to property; and

(D) Regarding any other issue of fact fairly raised by the evidence which is necessary to make a determination under subsection (d) of this section or enter judgment under subsection (e) of this section.

(2) In determining percentages of responsibility, the trier of fact shall consider:

(A) The nature of the conduct of each party and released person determined to be responsible; and

(B) The extent of the causal relation between the conduct and the damages claimed.

(3) The court shall determine the extent to which the responsibility of one party, which is based on the act or omission of another party, warrants that the parties be treated as a single party for the purpose of submitting interrogatories to the jury or making findings under subdivision (c)(1) of this section.

(d)(1) After the trier of fact has answered interrogatories or made findings under subsection (c) of this section, the court shall determine, in accordance with the percentages of responsibility found:

(A) The monetary amount of any award of damages to a claimant;

(B) The amount of the several share for which each party found liable is responsible; and

(C) Any amount attributable to a released person.

(2)(A) After the court has made its determinations pursuant to subsection (d)(1) of this section, a claimant, no later than ninety (90) days after the entry of judgment for the plaintiff, may move the court to determine whether all or part of the amount of the several share for which a party is liable will not be reasonably collectible and request reallocation.

(B) If the court based on a preponderance of the evidence determines that the party's share will not be reasonably collectible, the court shall make findings reallocating the uncollectible share severally to the other parties, including the claimant, and any released person.

(C) Reallocation shall be made in the proportion that each party's and released person's respective percentage of responsibility bears to the total of the percentages of responsibility attributed to the parties, including the claimant, and any released person but not including the percentage being reallocated.

(3)(A) A party whose liability is reallocated remains liable to a claimant for any additional share of responsibility allocated to the claimant.

(B) A party that discharges an additional share of responsibility allocated to it under subdivision (d)(2) of this section has a right of reimbursement from the party from which the share was reallocated.

(C) Upon motion, the court in the judgment entered under subsection (e) of this section shall declare the rights and obligations resulting from the reallocation, including any rights and obligations with regard to subrogation or a secured position.

(D) If any party to whom reallocation has been made holds a secured position with regard to the share reallocated, each party to whom reallocation has been made has a proportionate share in the secured position.

(E) Any amount recovered under this subsection from a party whose liability has been reallocated shall be distributed to each of the parties to whom the reallocation was made in the same proportion as the original reallocation.

(4) Reallocation does not make a released person liable for any reallocated share of responsibility unless the release or other agreement so provides.

(5) If a motion for reallocation is made, any party may conduct discovery regarding any issue relevant to the motion.

(e)(1) After determining an award of damages to a claimant and the amount of the several share, including any reallocated share, for which each party found liable is responsible, the court shall enter judgment severally against each party adjudged liable, except in the following situations:

(A) If two or more parties adjudged liable acted in concert or with an intent to cause personal injury to, or harm to property of, the claimant, the court shall enter judgment jointly and severally against the parties for their joint share;

(B) If a party is adjudged liable for failing to prevent another party from intentionally causing personal injury to, or harm to property of, the claimant, the court shall enter judgment jointly and severally against the parties for their combined shares of responsibility;

(C) If a party is adjudged liable for the act or omission of another party under subdivision (c)(3) of this section, the court shall enter judgment jointly and severally against the parties for their joint share; and

(D) If Arkansas law, other than this amendment, so requires, the court shall enter judgment jointly and severally or otherwise conform the judgment to the statute.

(2) If a court grants a motion for reallocation pursuant to subsection (d) of this section after judgment is entered, the court shall modify the judgment to declare the rights and obligations resulting from the reallocation, including any rights and obligations with regard to subrogation or a secured position.

(f)(1)(A) Except as otherwise provided in subdivision (f)(2) of this section, a party that is jointly and severally liable with one or more other parties under this amendment has a right of contribution from another party jointly liable for any amount the party pays in excess of the several amount for which the party is responsible.

(B) A party against which contribution is sought is not liable for more than the monetary amount of the party's several share of responsibility determined pursuant to subsection (d) of this amendment.

(2) A party that is adjudged liable for the act or omission of another party under subdivision (e)(1)(C) of this section has a right of indemnification from the other party.

(3) A party that is subject to liability for injury to, or harm to property of, a claimant under this amendment has a right to:

(A) Join a person that is also subject to liability to the claimant for all or part of the same injury or harm if the claimant has not sued the person; and

(B) Seek contribution or indemnity, whichever is appropriate, from another person whose liability is not determined in the proceeding in which the party is adjudged liable if the other person is responsible for all or part of the claimant's injury or harm.

(4) A claim for contribution or indemnity may be asserted in the original action or in a separate action.

(g)(1)(A) A release, covenant not to sue, covenant not to execute a judgment, or similar agreement by a claimant and person subject to liability discharges the person from liability to the claimant to the extent provided in the agreement and from liability for contribution to any other person subject to liability to the claimant for the same injury or harm.

(B) The agreement does not discharge any other person subject to liability upon the same claim unless the agreement so provides.

(2) The amount of the claim of the releasing person under subdivision (g)(1) of this section against other persons jointly and severally liable for the same injury or harm for which the released person would have been liable is reduced by the percentage of responsibility attributed to the released person pursuant to subsection (c) of this amendment.

(3) A release, covenant not to sue, covenant not to execute a judgment, or similar agreement extinguishes any claim for contribution or indemnity that the released person would have had against another person that would have been jointly and severally liable with the released person.

**Senate Joint Resolution No. 2** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

**SENATE BILL NO. 45**  
**EIGHTY-NINTH 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 CAPITOL ZONING DISTRICT COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 45** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

**SENATE BILL NO. 46**  
**EIGHTY-NINTH 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 ARKANSAS ETHICS COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 46** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 47  
EIGHTY-NINTH 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 LIQUEFIED PETROLEUM GAS BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 47** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 48  
EIGHTY-NINTH 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 ARKANSAS FAIR HOUSING COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 48** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 49  
EIGHTY-NINTH 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 ARKANSAS MINORITY HEALTH COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 49** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 50  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: JOINT BUDGET COMMITTEE

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS MINORITY HEALTH COMMISSION FOR THE MINORITY HEALTH INITIATIVE OF THE TARGETED STATE NEEDS PROGRAMS FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 50** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 51  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR B. SAMPLE

A Bill for an Act to be Entitled: AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW CONCERNING THE ARKANSAS FIRE AND POLICE PENSION REVIEW BOARD; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Senate Bill No. 51** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT RETIREMENT AND SOCIAL SECURITY.

SENATE BILL NO. 52  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR HESTER

A Bill for an Act to be Entitled: AN ACT REGARDING VICTIMS' RIGHTS IN CAPITAL PUNISHMENT CASES; AND FOR OTHER PURPOSES.

**Senate Bill No. 52** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 53  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. HUTCHINSON

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE FOREIGN MEDICAL CORPORATIONS TO OBTAIN CERTIFICATES OF REGISTRATION IN ARKANSAS; AND FOR OTHER PURPOSES.

**Senate Bill No. 53** was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE AND COMMERCE.

On motion of Senator Williams, the rules were suspended in considering **Senate Bill No. 7** at this time.

On motion of Senator Williams, **Senate Bill No. 7** was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 TO SENATE BILL NO. 7

Amend **Senate Bill No. 7** as originally introduced:  
Add Representative S. Malone as a cosponsor of the bill

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Williams, **Senate Bill No. 7** was called up for third reading and final disposition.

**SENATE BILL NO. 7  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS E. WILLIAMS, J. ENGLISH & J. KEY  
BY: REPRESENTATIVES D. MEEKS AND PERRY**

A Bill for an Act to be Entitled: AN ACT TO ALLOW FOR TEMPORARY LICENSURE, CERTIFICATION, OR PERMITTING OF SPOUSES OF ACTIVE DUTY SERVICE MEMBERS; TO ALLOW FOR EXPEDITED PROCESSING OF APPLICATIONS FOR LICENSURE, CERTIFICATION, OR PERMITS FOR EMPLOYMENT OF SPOUSES OF ACTIVE DUTY MEMBERS; AND FOR OTHER PURPOSES.

**Senate Bill No. 7** was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total ..... 35

NEGATIVE:

Total ..... 0

ABSENT OR NOT VOTING:

Total ..... 0

VOTING PRESENT:

Total ..... 0

Total number of votes cast..... 35

Necessary to the passage of the bill ..... 18

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 7 was ordered engrossed.

On motion of Senator Williams, House Concurrent Resolution No. 1002 was called up for third reading and final disposition.

HOUSE CONCURRENT RESOLUTION NO. 1002  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: REPRESENTATIVE CARTER

HOUSE CONCURRENT RESOLUTION PROVIDING THAT THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY SHALL RECESS ON THURSDAY, JANUARY 17, 2013, AND RECONVENE ON TUESDAY, JANUARY 22, 2013.

House Concurrent Resolution No. 1002 was read the third time and adopted.

(SIGNED) ANN CORNWELL, SECRETARY

House Concurrent Resolution No. 1002 was ordered immediately returned to the House as concurred in.

The President declared the morning hour to have expired.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

January 16, 2013

Mr. President:

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

**SENATE BILL NO. 7**, BY SENATOR WILLIAMS,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

**Senate Bill No. 7** was ordered immediately transmitted to the House.

**SENATE BILL NO. 54**  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR TEAGUE

A Bill for an Act to be Entitled: AN ACT TO CREATE THE ARKANSAS BUY AMERICAN ACT; TO REQUIRE THE USE OF AMERICAN-MANUFACTURED IRON, STEEL, AND OTHER MANUFACTURED PRODUCTS IN THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND IMPROVEMENT OF PUBLIC BUILDINGS AND PUBLIC WORKS; AND FOR OTHER PURPOSES.

Senate Bill No. 54 was read the first time, rules suspended, read the second time and referred to the Committee on AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT.

Senate Bill No. 1 was returned from the House as passed and ordered enrolled.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

January 16, 2013

Mr. President:

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

SENATE BILL NO. 1, BY EFFICIENCY COMMITTEE,

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 2:25 p.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 1

RECEIVED the above papers from the Secretary of the Senate this 16th day of January, 2013 at 2:25 p.m.

(SIGNED) MIKE BEEBE  
Governor

(SIGNED) SARAH AGEE  
Secretary

SENATE BILL NO. 55  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. WOODS  
BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: AN ACT REGARDING THE PENALTIES FOR VIOLATING THE UNIFORM MOTOR VEHICLE DRIVER'S LICENSE ACT; AND FOR OTHER PURPOSES.

**Senate Bill No. 55** was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS

SENATE BILL NO. 56  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. WOODS  
BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: AN ACT TO REQUIRE A FEE FOR A NEW RESIDENT REQUIRED TO REGISTER AS A SEX OFFENDER; AND FOR OTHER PURPOSES.

**Senate Bill No. 56** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 57  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. WOODS  
BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: REGARDING THE SEX OFFENDER REGISTRATION ACT OF 1997 AND REGARDING THE REQUIREMENTS OF REGISTERING AS A SEX OFFENDER.

**Senate Bill No. 57** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 58  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR J. WOODS  
BY: REPRESENTATIVE NEAL

A Bill for an Act to be Entitled: AN ACT REGARDING JUVENILE TRANSFER HEARINGS AND JUVENILE JURISDICTION IN THE CIRCUIT COURTS; AND FOR OTHER PURPOSES.

**Senate Bill No. 58** was read the first time, rules suspended, read the second time and referred to the Committee on JUDICIARY.

SENATE BILL NO. 59  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALOCH  
BY: REPRESENTATIVE SABIN

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING THE USE OF CAMPAIGN FUNDS TO PURCHASE TICKETS TO FUND-RAISING EVENTS FOR CANDIDATES; TO AMEND A PORTION OF ARKANSAS LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

**Senate Bill No. 59** was read the first time, rules suspended, read the second time and referred to the Committee on STATE AGENCIES AND GOVERNMENTAL AFFAIRS.

SENATE BILL NO. 60  
EIGHTY-NINTH 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 BOARD OF COLLECTION AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 60** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 61  
EIGHTY-NINTH 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 ARKANSAS SOCIAL WORK LICENSING BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 61** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 62  
EIGHTY-NINTH 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 ARKANSAS COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 62** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 63  
EIGHTY-NINTH 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 PAROLE BOARD FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 63** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 64  
EIGHTY-NINTH 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 WORKERS' COMPENSATION COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 64** was read the first time, rules suspended, read the second time and referred to the Committee on JOINT BUDGET.

SENATE BILL NO. 65  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATORS J. KEY AND HOLLAND  
BY: REPRESENTATIVE BIVIANO

A Bill for an Act to be Entitled: AN ACT TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.

Senate Bill No. 65 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

SENATE BILL NO. 66  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR ELLIOTT  
BY: REPRESENTATIVE LENDERMAN

A Bill for an Act to be Entitled: AN ACT TO IMPROVE EDUCATION IN ARKANSAS BY CREATING DISTRICTS OF INNOVATION; AND FOR OTHER PURPOSES.

Senate Bill No. 66 was read the first time, rules suspended, read the second time and referred to the Committee on EDUCATION.

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SENATE BILL TRANSMITTED TO THE HOUSE  
AS PASSED

SENATE BILL NO. 7

HOUSE CONCURRENT RESOLUTION RETURNED  
TO THE HOUSE AS CONCURRED IN

HOUSE CONCURRENT RESOLUTION NO. 1002

SENATE BILL RETURNED FROM THE HOUSE  
AS PASSED AND ORDERED ENROLLED

SENATE BILL NO. 1

On motion of Senator Williams, the Senate adjourned until 10:00 a.m., Thursday  
January 17, 2013.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE

