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

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Little Rock, Arkansas  
April 5, 2013

The Senate was called to order at 8:00 o'clock a. m. by the President.

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

BLEDSE, 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 Key.

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On motion of Senator Key, **Senate Bill No. 249** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 249**

Amend **Senate Bill No. 249** as originally introduced:

Page 1, line 18, delete "APPROPRIATION FOR THE 2013-2014 FISCAL" and substitute "GENERAL IMPROVEMENT APPROPRIATION."

AND

Page 1, delete line 19 in its entirety

AND

Page 1, line 26, delete "Department of Education Public School Fund Account" and substitute "General Improvement Fund or its successor fund or fund accounts"

AND

Page 1, delete SECTION 2 in its entirety

AND

Page 2, delete SECTION 3 in its entirety and substitute the following:

" SECTION 3. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State Treasury funds actually available therefor as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this act. (B) The restrictions of any applicable provisions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws of this State and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of any funds provided by this act unless specifically provided otherwise by law."

AND

Appropriately renumber the sections of the bill.

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 249** was ordered engrossed.

On motion of Senator Clark, **Senate Bill No. 903** was withdrawn from the Committee on INSURANCE & COMMERCE, and placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 903**

Amend **Senate Bill No. 903** as engrossed, S4/2/13:

Page 2, line 21, delete "annually, ~~if needed,~~" and substitute "annually, if needed,"

AND

Page 2, line 23, delete "On and after the effective date of this act," and substitute "Beginning September 1, 2013,"

AND

Page 2, line 27, delete "On the effective date of this act," and substitute "Beginning September 1, 2013,"

(SIGNED) SENATOR ALAN CLARK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 903 was ordered engrossed.

On motion of Senator Sample, Senate Bill No. 940 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-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 940

Amend Senate Bill No. 940 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 17-20-405, concerning licensing prerequisites for operation of a barber school or college, is amended to add additional subsections to read as follows:

(d) The board may license a secondary educational institution as a school or college of barbering.

(e) The board shall indicate in writing on the license of a school or college of barbering whether the school is licensed as a secondary or postsecondary institution.

SECTION 2. Arkansas Code § 17-20-407, concerning barber school or college curriculum, is amended to add an additional subsection to read as follows:

(d) The board shall promulgate rules that distinguish between secondary and postsecondary education curriculum."

(SIGNED) SENATOR BILL SAMPLE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 940 was ordered engrossed.

On motion of Senator Files, Senate Bill No. 1080 was withdrawn from the Committee on REVENUE & TAXATION, and placed back on second reading for purpose of Amendment No. 2.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 2 to SENATE BILL NO. 1080

Amend Senate Bill No. 1080 as engrossed, S4/4/13:

Page 2, line 8, delete "and"

AND

Page 2, delete line 10, and substitute the following:

"Association; and

(4) The Chancellor of the University of Arkansas for Medical Sciences or his or her designee."

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1080 was ordered engrossed.

On motion of Senator Williams, [Senate Joint Resolution No. 5](#) was withdrawn from the Committee on STATE AGENCIES & GOVERNMENTAL AFFAIRS, and placed back on second reading for purpose of Amendment No. 4.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

[Amendment No. 4 to SENATE JOINT RESOLUTION NO. 5](#)

Amend [Senate Joint Resolution No. 5](#) as engrossed, S4/3/13:

Page 1, delete lines 9 through 16 and substitute the following:  
"TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL DELEGATE NONEXCLUSIVE AUTHORITY TO THE SUPREME COURT TO ADOPT RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE FOR COURTS; TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS THAT ADOPT, AMEND, AFFECT, OR SUPERSEDE SUCH RULES, NOTWITHSTANDING THE DELEGATION OF RULEMAKING AUTHORITY TO THE SUPREME COURT; TO SET LIMITS ON THE AWARD OF PUNITIVE DAMAGES; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO SET RIGHTS OF APPEAL AND TO REGULATE THE AWARD OF NONECONOMIC DAMAGES."

AND

Delete the subtitle in its entirety and substitute:  
"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING CLAIMS AND COURT PROCEDURES."

AND

Page 2, line 9, delete "subsection (b)" and substitute "subsections (b) and (c)"

AND

Page 2, delete lines 15 and 16 and substitute the following:  
"(b) The General Assembly may, by a three-fifths vote of each house, enact laws regulating the award of noneconomic damages.  
(c)(1) A punitive damages award against a defendant shall not exceed five (5) times the amount of compensatory damages allocated against the defendant.  
(2) The General Assembly, by a two-thirds vote of each house, may amend the limitation under subdivision (c)(1) of this section."

AND

Page 2, line 20, delete "practice and procedure" and substitute "practice, and procedure, and evidence"

AND

Page 2, delete lines 21 and 22 and substitute the following:

"(a)(1) The General Assembly shall delegate nonexclusive authority to the Supreme Court shall to prescribe the rules of pleading, practice, and procedure and the rules of evidence for all courts; provided these rules"

AND

Page 2, delete lines 25 through 27 and substitute the following:

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

(b)(1) Notwithstanding the delegation of rulemaking authority, the General Assembly may enact laws that adopt, amend, affect, or supersede rules of pleading, practice, and procedure and rules of evidence for courts.

(2) A law that expressly repeals a rule of pleading, practice, or procedure or a rule of evidence in effect on January 1, 2015, requires a three-fifths vote of each house of the General Assembly."

AND

Page 3, delete line 11 and substitute the following:

"Constitution Concerning Claims and Court Procedures"."

(SIGNED) SENATOR EDDIE JOE WILLIAMS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Joint Resolution No. 5** was ordered engrossed.

On motion of Senator Dismang, the Senate resolved itself into the Committee of the Whole for the purpose of discussion of **Senate Bill No. 1020**.

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

On motion of Senator Dismang, **Senate Bill No. 1020** was called up for third reading and final disposition.

**SENATE BILL NO. 1020**

*As Engrossed: S4/2/13*

**EIGHTY-NINTH GENERAL ASSEMBLY**

**REGULAR SESSION**

*BY: SENATORS J. DISMANG, BOOKOUT & D. SANDERS*

*BY: REPRESENTATIVES J. BURRIS, WESTERMAN, CARTER & BIVIANO*

A Bill for an Act to be Entitled: *AN ACT CONCERNING HEALTH INSURANCE FOR CITIZENS OF THE STATE OF ARKANSAS; TO CREATE THE HEALTH CARE INDEPENDENCE ACT OF 2013; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

**Senate Bill No. 1020** was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Sanders spoke for the Bill.

Senator Dismang closed for the Bill

A Pair Vote was announced at the desk:

PAIR VOTE

DATE: April 5, 2013

**Senate Bill No. 1020**

VOTING YEA: ROBERT THOMPSON

VOTING NAY: JIM HENDREN

(SIGNED) ANN CORNWELL  
SECRETARY OF THE SENATE

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

AFFIRMATIVE: Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, J. Dismang, Elliott, Files, S. Flowers, Hickey, Holland, K. Ingram, D. Johnson, J. Key, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, B. Sample, D. Sanders, Teague, R. Thompson, J. Woods, D. Wyatt.

Total .....24

NEGATIVE: Bledsoe, A. Clark, J. English, J. Hendren, Hester, J. Hutchinson, Irvin, G. Stubblefield, E. Williams.

Total .....9

ABSENT OR NOT VOTING: B. King, Rapert.

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast.....33

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to **Senate Bill No. 1020**, 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: Bookout, Burnett, Caldwell, E. Cheatham, L. Chesterfield, J. Dismang, Elliott, Files, S. Flowers, Hickey, Holland, K. Ingram, D. Johnson, J. Key, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, B. Sample, D. Sanders, Teague, R. Thompson, J. Woods, D. Wyatt.

Total .....24

NEGATIVE: Bledsoe, A. Clark, J. English, J. Hendren, Hester, J. Hutchinson, Irvin, G. Stubblefield, E. Williams.

Total .....9

ABSENT OR NOT VOTING: B. King, Rapert.

Total .....2

VOTING PRESENT:

Total .....0

Total number of votes cast .....33

Necessary to the adoption of the Emergency Clause .....24

So the Emergency Clause was adopted.

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1020 was ordered immediately transmitted to the House.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 249, BY SENATOR JOHNNY KEY,

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 Key, Senate Bill No. 249 was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 903**, BY SENATOR ALAN CLARK,

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 Clark, **Senate Bill No. 903** was ordered re-referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 940**, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

On motion of Senator Sample, **Senate Bill No. 940** was ordered re-referred to the Committee on PUBLIC HEALTH, WELFARE & LABOR.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 1080**, BY SENATOR JAKE FILES,

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 Files, **Senate Bill No. 1080** was ordered re-referred to the Committee on REVENUE & TAXATION.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE JOINT RESOLUTION NO. 5**, BY SENATOR EDDIE JOE 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

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

On motion of Senator Lamoureux, the Senate recessed until 1:30 p.m.

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

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 1115, BY SENATOR JOHNNY KEY,

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

Respectfully submitted,

(SIGNED) SENATOR BRUCE HOLLAND, ACTING CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 653, BY SENATOR JON WOODS,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 874, BY SENATOR JASON RAPERT,  
SENATE BILL NO. 999, BY SENATOR ALAN CLARK,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 417, BY SENATOR JIM HENDREN,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass concur in House Amendment Nos. 1 and 2.

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 928, BY SENATOR ROBERT THOMPSON,  
SENATE BILL NO. 1137, BY SENATOR ROBERT THOMPSON,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1715, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1716, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1717, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1720, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1721, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1723, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1724, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1725, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1726, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1729, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1730, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1731, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1732, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1733, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1734, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1735, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1972, BY REPRESENTATIVE MARK LOWERY,  
HOUSE BILL NO. 1973, BY REPRESENTATIVE DAN DOUGLAS,  
HOUSE BILL NO. 2014, BY REPRESENTATIVE NATE BELL,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1350, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1470, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1713, BY REPRESENTATIVE MARSHALL WRIGHT,  
HOUSE BILL NO. 1971, BY REPRESENTATIVE MARK LOWERY,  
HOUSE BILL NO. 1975, BY REPRESENTATIVE DARRIN WILLIAMS,

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

Respectfully submitted,

(SIGNED) SENATOR JEREMY HUTCHINSON  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 4, 2013

Mr. President:

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

SENATE BILL NO. 200, BY SENATOR GARY STUBBLEFIELD, ET AL,  
SENATE BILL NO. 712, BY SENATOR JIM HENDREN,  
SENATE BILL NO. 839, BY SENATOR DAVID BURNETT,  
SENATE BILL NO. 852, BY SENATOR BRUCE MALOCH,  
SENATE BILL NO. 906, BY SENATOR BOBBY PIERCE,

beg leave to report that we have carefully compared the enrolled copies with the original and we find the same correctly enrolled and have at 10:50 a.m. delivered them to the Governor for his approval.

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

GOVERNOR'S BILL RECEIPTS

SENATE BILL NO. 200,  
SENATE BILL NO. 712,  
SENATE BILL NO. 839,  
SENATE BILL NO. 852,  
SENATE BILL NO. 906,

RECEIVED the above papers from the Secretary of the Senate this 4th day of April, 2013 at 10:50 a.m.

(SIGNED) MIKE BEEBE  
Governor

(SIGNED) SARAH AGEE  
Secretary

On motion of Senator Woods, **Senate Bill No. 900** was placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 900**

Amend **Senate Bill No. 900** as engrossed, S3/27/13:

Delete Senator L. Chesterfield as a cosponsor of the bill

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 900** was ordered engrossed.

On motion of Senator Files, **Senate Bill No. 1084** 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. 1084**

Amend **Senate Bill No. 1084** as originally introduced:

Page 1, line 8, delete "PROHIBIT" and substitute "REGULATE"

AND

Page 1, line 9, delete "ENTITIES" and substitute "ENTITIES EXCEPT IN CERTAIN CIRCUMSTANCES; TO REGULATE THE PROCUREMENT OF CERTAIN CONTRACTS BY PUBLIC ENTITIES"

AND

Delete the subtitle in its entirety and substitute:

"TO REGULATE THE PROCUREMENT OF CONSTRUCTION MANAGEMENT CONTRACTS BY PUBLIC ENTITIES EXCEPT IN CERTAIN CIRCUMSTANCES; AND TO REGULATE THE PROCUREMENT OF CERTAIN CONTRACTS BY PUBLIC ENTITIES."

AND

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

"SECTION 1. Arkansas Code § 14-58-1001(a), concerning municipal projects exceeding two million dollars, is amended to read as follows:

(a) ~~In the event~~ If funds from any sources for a municipal project other than revenues derived from a performance-based efficiency project exceed ~~two million dollars (\$2,000,000)~~ five million dollars (\$5,000,000), excluding the cost of land, ~~the provisions of this subchapter and all other provisions of the Arkansas Code of 1987 Annotated governing construction of public facilities, including, but not limited to, the provisions of~~ without limitation § 22-9-201 et seq., at the election of municipalities shall not be applicable do not apply to the project if the selection and contracting process ~~set forth~~ stated in this section is followed.

SECTION 2. Arkansas Code § 14-58-1001(b), concerning municipal projects exceeding two million dollars, is amended to add an additional subdivision to read as follows:

(4) A contract for a project between a municipality and a construction manager shall not be entered into without first obtaining review by the Legislative Council or the Joint Budget Committee.

SECTION 3. Arkansas Code § 14-58-1001(d), concerning municipal projects exceeding two million dollars, is amended to add additional subdivisions to read as follows:

(5)(A) The general contractor shall solicit sealed bids for all divisions of a project from a list of approved subcontractors prepared by the general contractor.

(B) The general contractor shall solicit a minimum of three (3) bids for each division of the project.

(C) If the general contractor is unable to obtain a minimum of three (3) bids for each division of the project, the general contractor shall provide written documentation of its efforts and submit the written documentation to the municipality for approval.

(D) If the general contractor desires to perform work in any division of the project, the general contractor shall submit a sealed bid in the same manner as a subcontractor.

(E) The municipality shall retain the right to approve or disapprove the general contractor's list of subcontractors for the project before the solicitation of sealed bids.

(6) The general contractor and a representative of the municipality shall be present when the sealed bids are opened for each division of the project.

(7)(A) The general contractor shall prepare and present a tabulated form to the municipality that accurately represents the range of bids for each division of the project.

(B) The tabulated form required under subdivision (d)(7)(A) of this section is a public record under the Freedom of Information Act of 1967, § 25-19-101 et seq., subject to any applicable exemptions.

(8) The construction contract for the project shall identify the items that are included in the general conditions.

SECTION 4. Arkansas Code § 19-4-1415(f), concerning projects exceeding five million dollars, is amended to add additional subdivisions to read as follows:

(5)(A) The general contractor for a project for an institution of higher education shall solicit sealed bids for all divisions of a project from a list of approved subcontractors prepared by the general contractor.

(B) The general contractor shall solicit a minimum of three (3) bids for each division of the project.

(C) If the general contractor is unable to obtain a minimum of three (3) bids for each division of the project, the general contractor shall provide written documentation of its efforts and submit the written documentation to the institution of higher education for approval.

(D) If the general contractor desires to perform work in any division of the project, the general contractor shall submit a sealed bid in the same manner as a subcontractor.

(E) The institution of higher education shall retain the right to approve or disapprove the general contractor's list of subcontractors for the project before the solicitation of sealed bids.

(6) The general contractor and a representative of the institution of higher education shall be present when the sealed bids are opened for each division of the project.

(7)(A) The general contractor shall prepare and present a tabulated form to the institution of higher education that accurately represents the range of bids for each division of the project.

(B) The tabulated form required under subdivision (f)(7)(A) of this section is a public record under the Freedom of Information Act of 1967, § 25-19-101 et seq., subject to any applicable exemptions.

(8) The construction contract for the project shall identify the items that are included in the general conditions.

SECTION 5. Arkansas Code § 19-11-802(d), concerning restrictions on competitive bidding for professional services contracts, is amended to add an additional subdivision to read as follows:

(4) A contract between a public school district and a construction manager for a project that exceeds five million dollars (\$5,000,000), excluding the cost of land, shall not be entered into without first obtaining review by the Legislative Council or the Joint Budget Committee.

SECTION 6. Arkansas Code § 19-11-802, concerning restrictions on competitive bidding for professional services contracts, is amended to add an additional subsection to read as follows:

(e)(1)(A) The general contractor for a public school district project that exceeds five million dollars (\$5,000,000), excluding the cost of land, shall solicit sealed bids for all divisions of a project from a list of approved subcontractors prepared by the general contractor.

(B) The general contractor shall solicit a minimum of three (3) bids for each division of the project.

(C) If the general contractor is unable to obtain a minimum of three (3) bids for each division of the project, the general contractor shall provide written documentation of its efforts and submit the written documentation to the state agency or political subdivision for approval.

(D) If the general contractor desires to perform work in any division of the project, the general contractor shall submit a sealed bid in the same manner as a subcontractor.

(E) The state agency or political subdivision shall retain the right to approve or disapprove the general contractor's list of subcontractors for the project before the solicitation of sealed bids.

(2) The general contractor and a representative of the state agency or political subdivision shall be present when the sealed bids are opened for each division of the project.

(3)(A) The general contractor shall prepare and present a tabulated form to the state agency or political subdivision that accurately represents the range of bids for each division of the project.

(B) The tabulated form required under subdivision (e)(3)(A) of this section is a public record under the Freedom of Information Act of 1967, § 25-19-101 et seq., subject to any applicable exemptions.

(4) The construction contract for the project shall identify the items that are included in the general conditions."

(SIGNED) SENATOR JAKE FILES

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1084 was ordered engrossed.

On motion of Senator Hutchinson, **Senate Bill No. 1150** 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. 1150**

Amend **Senate Bill No. 1150** as originally introduced:

Delete everything after the enacting clause and substitute the following

"SECTION 1. Arkansas Code Title 3, Chapter 4, Subchapter 6, is amended to add an additional section to read as follows:

3-4-608. Wholesaler permit — Issuance — Transfer.

(a)(1) A wholesaler permit shall not be issued under § 3-4-605 or § 3-4-607 on or after September 1, 2013.

(2) However, a holder of a wholesaler permit under § 3-4-605 or § 3-4-607 issued on or before September 1, 2013, may renew the permit before, on, or after September 1, 2013.

(b) A holder of a wholesaler permit issued under § 3-4-605 or § 3-4-607 on or before September 1, 2013, may transfer the wholesaler permit to another wholesaler as permitted under applicable law or regulation of the Alcoholic Beverage Control Division."

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 1150** was ordered engrossed.

On motion of Senator Key, **House Bill No. 1510** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1510**

Amend **House Bill No. 1510** as engrossed, H3/18/13:

Page 2, line 15, delete "chapter." and substitute "chapter;"

AND

Page 5, line 14, delete "standard:" and substitute "standard, including:"

AND

Page 5, delete lines 29 through 32 and substitute:

"4-36-104. Formation — Fees.

(a) A benefit corporation shall be formed under the Arkansas Business Corporation Act, § 4-27-101 et seq., and its articles of incorporation shall state that it is a benefit corporation.

(b) The Secretary of State shall collect filing fees, service fees, and fees for copying when documents are delivered to him or her to be filed under this subchapter and under § 4-27-122."

AND

Page 6, line 6, delete "conversion with" and substitute "conversion with"

AND

Page 9, line 5, delete "If" and substitute "Whether"

AND

Page 9, line 8, delete "If" and substitute "Whether"

AND

Page 9, line 10, delete "If" and substitute "Whether"

AND

Page 11, delete lines 10 through 12 and substitute:

"4-36-401. Annual reports.

(a)(1) A benefit corporation shall prepare an annual benefit report and an annual franchise tax report under § 26-54-104.

(2) An annual benefit report shall include:"

AND

Page 11, line 13, delete "(1)" and substitute "(A)"

AND

Page 11, line 14, delete "(A)" and substitute "(i)"

AND

Page 11, line 17, delete "(B)" and substitute "(ii)"

AND

Page 11, line 18, delete "(i)" and substitute "(a)"

AND

Page 11, line 21, delete "(ii)" and substitute "(b)"

AND

Page 11, line 23, delete "(C)" and substitute "(iii)"

AND

Page 11, line 26, delete "(D)" and substitute "(iv)"

AND

Page 11, line 28, delete "(2)(A)" and substitute "(B)(i)"

AND

Page 11, line 30, delete "(i)" and substitute "(a)"

AND

Page 11, line 32, delete "(ii)" and substitute "(b)"

AND

Page 11, line 34, delete "(B)" and substitute "(ii)"

AND

Page 11, line 36, delete "(3)" and substitute "(C)"

AND

Page 12, line 2, delete "(4)" and substitute "(D)"

AND

Page 12, line 4, delete "(5)" and substitute "(E)"

AND

Page 12, line 6, delete "(6)" and substitute "(F)"

AND

Page 12, delete line 15 and 16 and substitute:

"(1) Before the stated due date of an annual franchise tax under § 26-54-104;  
or"

AND

Page 12, line 27, delete "and financial" and substitute "and the financial"

AND

Page 12, line 34, delete "and financial" and substitute "and the financial"

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1510 was ordered engrossed.

On motion of Senator Wyatt, [House Bill No. 1582](#) was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
 EIGHTY-NINTH GENERAL ASSEMBLY  
 REGULAR SESSION  
Amendment No. 1 to HOUSE BILL NO. 1582

Amend [House Bill No. 1582](#) as originally introduced:

Page 2, line 12, delete "[5-69-218](#)" and substitute "[5-69-103](#)"

AND

Page 2, delete lines 13 through 28 and substitute the following:

"(a) A person upon conviction is guilty of a Class D felony if the person knowingly violates:

(1) § 14-271-110(a);

(2) § 23-15-206(b) or (c);

(3) § 23-15-208(a);

(4) § 23-15-209(a); or

(5) An order, safety standard, rule, or regulation of the Arkansas Public Service Commission pursuant to § 23-15-205.

(b) A person upon conviction is guilty of a Class D felony if the person:

(1) Knowingly violates § 14-271-112(a); and

(2) With respect to the violation:

(A) Damages or destroys an interstate or intrastate natural gas pipeline facility that results in serious physical injury or actual damage to property exceeding fifty thousand dollars (\$50,000);

(B) Damages or destroys an interstate or intrastate natural gas pipeline facility and:

(i) Knows or has reason to know of the damage or destruction;  
and

(ii) Does not report the damage or destruction promptly to the operator of the pipeline facility or to local law enforcement authorities; or

(C) Damages an intrastate hazardous liquid pipeline facility that results in the release of more than fifty (50) barrels of the hazardous liquid.

(c)(1) A person who knowingly engages in the unauthorized disposal of solid waste within the right-of-way of an interstate or intrastate pipeline facility or an interstate or intrastate hazardous liquid pipeline facility upon conviction is guilty of a Class D felony.

(2)(A) As used in this subsection, "solid waste" means:

(i) Garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and

(ii) Other discarded material from a waste treatment plant, water supply treatment plant, or air pollution control facility including solid, liquid, semisolid, or contained gaseous material resulting from:

(a) Industrial, commercial, mining, or agricultural operations; or

(b) Community activities.

(B) "Solid waste" does not include:

(i) Solid or dissolved material in domestic sewage or solid discovered in materials in irrigation return flows or industrial charges that are point sources subject to permits under 33 U.S.C. § 1342 as it existed on January 1, 2013; or

(ii) Source material, special nuclear material, or byproduct material as defined in 42 U.S.C. § 2011 et seq. as it existed on January 1, 2013.

(d) A person who knowingly damages or destroys an interstate or intrastate pipeline facility or an interstate or intrastate hazardous liquid pipeline facility upon conviction is guilty of a:

(1) Class A misdemeanor if the amount of actual damage is one thousand dollars (\$1,000) or less;

(2) Class D felony if the amount of actual damage exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

(4) Class B felony if the amount of actual damage exceeds twenty-five thousand dollars (\$25,000).

(e) A person who knowingly tampers with, damages, removes, or destroys a pipeline sign or right-of-way marker required by a law or regulation of the state upon conviction is guilty of a:

(1) Class A misdemeanor if the amount of actual damage is one thousand dollars (\$1,000) or less;

(2) Class D felony if the amount of actual damage exceeds one thousand dollars (\$1,000) but is no more than five thousand dollars (\$5,000);

(3) Class C felony if the amount of the actual damage exceeds five thousand dollars (\$5,000) but is no more than twenty-five thousand dollars (\$25,000); or

(4) Class B felony if the amount of actual damage exceeds twenty-five thousand dollars (\$25,000)."

(SIGNED) SENATOR DAVID WYATT

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1582 was ordered engrossed.

Upon motion of Senator Woods, **House Bill No. 1391** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1391**

Amend **House Bill No. 1391** as engrossed, H4/1/13:

Add Senator Woods as a cosponsor of the bill

AND

Delete the subtitle in its entirety and substitute:

"TO PROHIBIT THE IMPORT, POSSESSION, SALE,  
& BREEDING OF APES, MACAQUES, & BABOONS,  
EXCEPT BY QUALIFIED FACILITIES; TO  
REQUIRE REGISTRATION OF ALL PRIMATES; AND  
TO PROTECT PUBLIC SAFETY AND PROHIBIT  
MISTREATMENT OF PRIMATES."

AND

Page 6, delete lines 7 and 8 and substitute the following:  
"shall submit to the"

AND

Page 6, line 12, delete "for" and substitute "for,"

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1391** was ordered engrossed.

On motion of Senator Maloch, **House Bill No. 2001** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 2001**

Amend **House Bill No. 2001** as engrossed, H3/28/13:

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

**SECTION 1. DO NOT CODIFY. Title.**

This act shall be known and may be cited as the "Landowner Notification Act".

SECTION 2. Arkansas Code § 15-72-203, concerning prerequisites to exploring or drilling and notice to the surface owner, is amended to add additional subsections to read as follows:

(c)(1)(A) As used in this subsection, "shale operations" means drilling activities relating to the production of gas and other petroleum hydrocarbons directed at an unconventional shale gas formation in a county listed in Arkansas Oil and Gas Commission Rule B-43(c) or (d) if entry upon the surface owner's surface estate is required and the drilling activities are conducted on or after the effective date of this act.

(B) "Shale operations" does not include:

(i) The periodic inspection, maintenance, or repair of completion activities;

(ii) Preparatory activities such as inspection, surveying, or staking; or

(iii) Drilling additional wells, re-drilling, or recompletion operations on an existing drilling pad if the operator does not expand the existing pad.

(2) The Arkansas Oil and Gas Commission shall promulgate rules, regulations, and orders consistent with this section to require an operator intending to conduct shale operations to provide a single enhanced written notice as described in subdivision (c)(3) of this section in lieu of the written notice required under subsection (a) of this section.

(3) The rules, regulations, and orders of the commission shall require the enhanced written notice to:

(A) Describe:

(i) The proposed shale operations; and

(ii) The location of the proposed well and the pad location, including the section, township, range, and plat of the pad location, if available;

(B) Be given to the surface owner at least fourteen (14) days before the operator proposes to begin shale operations on the surface owner's property;

(C) Contain a statement that the operator has a pending or approved drilling permit for the proposed shale operations on the surface owner's property and that the permit shall be available for inspection by the surface owner on request by the surface owner;

(D) Contain the name, address, telephone number, fax number, and electronic mailing address of the operator or the operator's agent; and

(E) Be sent by certified United States mail or delivered personally to the surface owner at the address of the surface owner stated in the public records of the county collector of the county in which the surface owner's property is located.

(4) After written notice of the operator's intent to begin shale operations is given under this subsection, an operator is not required to give any other notice to begin, conduct, or complete shale operations on the surface owner's property.

(5) Written notice under this subsection is:

(A) Presumed delivered three (3) days after mailing by certified mail;

(B) Effective immediately upon hand delivery;

(C) Not required for emergency situations in which the shale operations are required to protect the public health and safety or the environment; and

(D) Not required if a surface owner has a contractual relationship with an operator that specifies when or how the operator shall give notice regarding the beginning of shale operations.

(6) After receipt of a written notice of the operator's intent to begin shale operations under this subsection, the surface owner shall not make alterations to a proposed drilling location to interfere with the shale operations for which the surface owner received the notice.

(d) This section does not supersede, modify, or supplant the notice provisions of Rule B-42 of the commission."

(SIGNED) SENATOR BRUCE MALOCH

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2001 was ordered engrossed.

On motion of Senator Hickey, **House Bill No. 2065** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 2065**

Amend **House Bill No. 2065** as engrossed, H3/26/13:

Page 3, line 7, delete "or"

AND

Page 3, line 8, delete "President"

(SIGNED) SENATOR JIMMY HICKEY

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 2065** was ordered engrossed.

On motion of Senator Pierce, **House Bill No. 2229** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 2229**

Amend **House Bill No. 2229** as originally introduced:

Add Senator B. Pierce as a cosponsor of the bill

AND

Page 1, line 30, delete “the preceding general” and substitute “the immediately preceding mayoral general”

AND

Page 2, line 11, delete “the preceding” and substitute “the immediately preceding mayoral”

(SIGNED) SENATOR BOBBY PIERCE

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 2229** was ordered engrossed.

On motion of Senator Hickey, **Senate Bill No. 799** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 799**

Amend **Senate Bill No. 799** as originally introduced:

Add Representative McLean as a cosponsor of the bill

AND

Page 1, line 9, delete "CIRCUIT" and substitute "COUNTY"

AND

Delete the subtitle in its entirety and substitute:

"TO PERMIT HOUSING AUTHORITIES TO REGISTER FICTITIOUS NAMES WITH THE COUNTY CLERK."

AND

Page 1, line 29, delete "circuit" and substitute "county"

AND

Page 1, line 33, delete "circuit" and substitute "county"

AND

Page 2, line 11, delete "circuit" and substitute "county"

(SIGNED) REPRESENTATIVE JAMES MCLEAN

**Amendment No. 1 to Senate Bill No. 799**, 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 Hickey, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Hickey, **Senate Bill No. 799** was called up for third reading and final disposition.

**SENATE BILL NO. 799**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
*As Engrossed: H3/22/13*  
**REGULAR SESSION**  
**BY: SENATOR HICKEY**  
**BY: REPRESENTATIVE MCLEAN**

A Bill for an Act to be Entitled: AN ACT TO PERMIT HOUSING AUTHORITIES TO REGISTER FICTITIOUS NAMES WITH THE COUNTY CLERK; AND FOR OTHER PURPOSES.

**Senate Bill No. 799** 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. 799** was ordered enrolled.

The President declared the morning hour to have expired.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 455, BY SENATOR BRUCE MALOCH,  
SENATE BILL NO. 940, BY SENATOR BILL SAMPLE,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 875**, BY SENATOR BART HESTER,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE  
CHAIRMAN

SENATOR RONALD CALDWELL  
SENATOR JONATHAN DISMANG  
SENATOR MISSY IRVIN  
SENATOR DAVID BURNETT

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 916, BY SENATOR JON WOODS,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 1036, BY SENATOR KEITH INGRAM,  
SENATE BILL NO. 1122, BY SENATOR DAVID JOHNSON,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1853, BY REPRESENTATIVE JEFF WARDLAW,  
HOUSE BILL NO. 1901, BY REPRESENTATIVE NATE STEEL,  
HOUSE BILL NO. 2057, BY REPRESENTATIVE MARK PERRY,  
HOUSE BILL NO. 2201, BY REPRESENTATIVE GREG LEDING,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1489, BY REPRESENTATIVE KIM HAMMER,  
HOUSE BILL NO. 1689, BY REPRESENTATIVE JAMES MCLEAN,  
HOUSE BILL NO. 1894, BY REPRESENTATIVE HAROLD COPENHAVER,  
HOUSE BILL NO. 2201, BY REPRESENTATIVE HAROLD COPENHAVER,

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) BRUCE HOLLAND  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**HOUSE BILL NO. 1492**, BY REPRESENTATIVE KIM HAMMER,

beg leave to report that we have had the same under consideration, and herewith return the same with the recommendation that it do pass as amended No. 3.

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**HOUSE BILL NO. 2110**, BY REPRESENTATIVE STEPHANIE MALONE,

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 BRUCE HOLLAND, ACTING CHAIRMAN

On motion of Senator Flowers, **Senate Bill No. 634** was called up for third reading and final disposition.

**SENATE BILL NO. 634**  
*As Engrossed: S3/13/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR S. FLOWERS**  
*BY: REPRESENTATIVES HODGES, H. WILKINS & MURDOCK*

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW CONCERNING ASSISTANCE TO DISABLED VOTERS; AND FOR OTHER PURPOSES.

**Senate Bill No. 634** 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, 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 .....	34
NEGATIVE: Hickey.	
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

**Senate Bill No. 634** was ordered immediately transmitted to the House as passed.

On motion of Senator Wyatt, **Senate Bill No. 655** was called up for third reading and final disposition.

**SENATE BILL NO. 655  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATE EFFICIENCY**

A Bill for an Act to be Entitled: AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS SENATE FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND FOR OTHER PURPOSES.

**Senate Bill No. 655** 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 .....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. 655**, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....35

NEGATIVE:

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. 655** was ordered immediately transmitted to the House.

\* \* \* \* \* **EXPUNGED** \* \* \* \* \*

On motion of Senator Stubblefield, **Senate Bill No. 818** was called up for third reading and final disposition.

**SENATE BILL NO. 818**

*As Engrossed: S3/12/13 S3/25/13 S4/3/13*

**EIGHTY-NINTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: SENATORS G. STUBBLEFIELD, A. CLARK, J. DISMANG, HESTER, B. KING & RAPERT**

**BY: REPRESENTATIVES ALEXANDER, BALLINGER, DOTSON, FITE, HARRIS, D. MEEKS, S. MEEKS, MILLER, NEAL & WOMACK**

A Bill for an Act to be Entitled: AN ACT TO BAR THE DISBURSEMENT OF FUNDS BY THE STATE TO CERTAIN ENTITIES; AND FOR OTHER PURPOSES.

**Senate Bill No. 818** was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Chesterfield spoke against the Bill.

Senator Stubblefield closed for the Bill.

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

AFFIRMATIVE: Bledsoe, A. Clark, J. English, Files, J. Hendren, Hester, Hickey, Holland, Irvin, J. Key, B. King, M. Lamoureux, Rapert, B. Sample, D. Sanders, G. Stubblefield, E. Williams, J. Woods.

Total ..... 18

NEGATIVE: Burnett, L. Chesterfield, Elliott, S. Flowers, K. Ingram, D. Johnson, U. Lindsey, B. Pierce, D. Wyatt.

Total ..... 9

ABSENT OR NOT VOTING: Bookout, Caldwell, E. Cheatham, J. Dismang, J. Hutchinson, Maloch, Teague, R. Thompson.

Total ..... 8

VOTING PRESENT:

Total .....	0
Total number of votes cast .....	27
Necessary to the passage of the bill .....	18

(SIGNED) ANN CORNWELL, SECRETARY

Senator Johnson requested a Sounding of the Ballot on the passage of **Senate Bill No. 818**. Five hands were seen, whereupon the Secretary sounded the ballot. Results are as follows:

Total number of votes cast	17
Necessary to the passage of the Bill	18
Total number voting in the affirmative	17
Total number voting in the negative	9
Total number absent or not voting	8

Striking Senator Files from Roll Call.

Upon sounding of the ballot, **Senate Bill No. 818** failed.

(SIGNED) ANN CORNWELL, SECRETARY

**\* \* \* \* \* EXPUNGED \* \* \* \* \***

Senator Stubblefield moved that the record pertaining to the vote by which **Senate Bill No. 818** passed be expunged, the motion was duly seconded and prevailed.

The record pertaining to the vote by which **Senate Bill No. 818** passed was expunged, in accordance with a prevailing motion on April 5, 2013.

On motion of Senator Johnson, **Senate Bill No. 824** was called up for third reading and final disposition.

**SENATE BILL NO. 824**  
*As Engrossed: S4/3/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR D. JOHNSON**  
**BY: REPRESENTATIVE WILLIAMS**

A Bill for an Act to be Entitled: AN ACT TO PROVIDE ENABLING LEGISLATION FOR AMENDMENT 89 TO THE ARKANSAS CONSTITUTION RELATING TO ENERGY EFFICIENCY BONDS AUTHORIZED BY STATE ENTITIES; TO PROVIDE FOR THE AUTHORIZATION AND ISSUANCE OF BONDS FOR ENERGY EFFICIENCY PROJECTS; TO ALLOW THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY TO ISSUE BONDS AT THE REQUEST OF A STATE ENTITY FOR ENERGY EFFICIENCY PROJECTS; TO REGULATE ENERGY EFFICIENCY PROJECT BONDS; AND FOR OTHER PURPOSES.

**Senate Bill No. 824** 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, J. Dismang, Elliott, J. English, Files, S. Flowers, J. Hendren, Hester, Hickey, 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 .....	33
NEGATIVE: A. Clark, Holland.	
Total .....	2
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. 824 was ordered immediately transmitted to the House as passed.

On motion of Senator Maloch, Senate Bill No. 970 was called up for third reading and final disposition.

SENATE BILL NO. 970  
As Engrossed: S3/25/13 S4/1/13  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
BY: SENATOR MALOCH

A Bill for an Act to be Entitled: AN ACT CONCERNING VIOLATIONS OF CERTAIN LAWS RELATED TO OIL AND GAS PRODUCTION AND CONSERVATION; TO AMEND THE PENALTIES FOR VIOLATING THE RULES, REGULATIONS, OR ORDERS OF THE OIL AND GAS COMMISSION; AND FOR OTHER PURPOSES.

Senate Bill No. 970 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. 970 was ordered immediately transmitted to the House as passed.

On motion of Senator Dismang, Senate Bill No. 1019 was called up for third reading and final disposition.

SENATE BILL NO. 1019

As Engrossed: S4/4/13

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: SENATORS J. DISMANG AND BOOKOUT

BY: REPRESENTATIVE J. BURRIS

A Bill for an Act to be Entitled: AN ACT TO AMEND ARKANSAS LAW REGARDING MEDICAID; TO CREATE THE MEDICAID ELIGIBILITY VERIFICATION SYSTEM; AND FOR OTHER PURPOSES.

Senate Bill No. 1019 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. 1019 was ordered immediately transmitted to the House as passed.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 900, BY SENATOR JON WOODS,  
SENATE BILL NO. 1150, BY SENATOR JEREMY HUTCHINSON,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1582, BY REPRESENTATIVE JONATHAN BARNETT,

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 Lamoureux the Senate recessed until 3:30 p.m.

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

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 1084, BY SENATOR JAKE FILES,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1391, BY REPRESENTATIVE WARWICK SABIN,  
HOUSE BILL NO. 1510, BY REPRESENTATIVE DAVID WHITAKER,  
HOUSE BILL NO. 2065, BY REPRESENTATIVE ANDREA LEA,  
HOUSE BILL NO. 2001, BY REPRESENTATIVE GREG LEDING,  
HOUSE BILL NO. 2229, BY REPRESENTATIVE MARSHALL WRIGHT,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 968, BY SENATOR BRUCE MALOCH,

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. 3.

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**HOUSE BILL NO. 1935**, BY REPRESENTATIVE JEFFREY WARDLAW,

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

Respectfully submitted,

(SIGNED) SENATOR CECILE BLEDSOE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 817**, BY SENATOR BRUCE MALOCH,

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

Respectfully submitted,

(SIGNED) SENATOR JAKE FILES  
CHAIRMAN  
SENATOR BILL SAMPLE  
SENATOR BRUCE MALOCH  
SENATOR LARRY TEAGUE  
SENATOR BART HESTER  
SENATOR DAVID SANDERS  
SENATOR MICHAEL LAMOUREUX  
SENATOR DAVID JOHNSON

On motion of Senator Lindsey, [Senate Bill No. 954](#) was withdrawn from the Committee on PUBLIC HEALTH, WELFARE & LABOR, and placed on the Calendar.

On motion of Senator Lindsey, and without objection, [Senate Bill No. 954](#) was recommended for study in the interim by Senate Interim Committee on PUBLIC HEALTH, WELFARE & LABOR.

On motion of Senator Johnson, [House Bill No. 1735](#) was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Flowers, [Senate Bill No. 804](#) was withdrawn from the Committee on JUDICIARY, and placed on the Calendar.

On motion of Senator Flowers, and without objection, [Senate Bill No. 804](#) was recommended for study in the interim by Senate Interim Committee on JUDICIARY.

On motion of Senator Elliott, **Senate Bill No. 1050** was called up for third reading and final disposition.

**SENATE BILL NO. 1050**  
*As Engrossed: S4/4/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR ELLIOTT**

A Bill for an Act to be Entitled: AN ACT TO AMEND THE ARKANSAS CODE CONCERNING THE ADVISORY COMMITTEE ON PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR OTHER PURPOSES.

**Senate Bill No. 1050** 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. 1050** was ordered immediately transmitted to the House as passed.

\* \* \* \* \* **EXPUNGED** \* \* \* \* \*

On motion of Senator Elliott, **Senate Bill No. 1093** was called up for third reading and final disposition.

**SENATE BILL NO. 1093**  
*As Engrossed: S3/28/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR ELLIOTT**  
**BY: REPRESENTATIVES H. WILKINS AND LOVE**

A Bill for an Act to be Entitled: AN ACT TO REQUIRE THE PREPARATION OF A RACIAL IMPACT STATEMENT FOR CERTAIN BILLS FILED WITH THE SENATE AND HOUSE OF REPRESENTATIVES; AND FOR OTHER PURPOSES.

**Senate Bill No. 1093** was placed on third reading and final disposition, the question being: Shall the Bill pass?

Senator Pierce made a motion for immediate consideration. Motion carried.

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

AFFIRMATIVE: Bookout, Burnett, E. Cheatham, L. Chesterfield, Elliott, S. Flowers, K. Ingram, D. Johnson, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Teague, R. Thompson, D. Wyatt.

Total .....15

NEGATIVE: Bledsoe, A. Clark, J. Dismang, J. Hendren, Hester, Hickey, Holland, Irvin, J. Key, D. Sanders.

Total .....10

ABSENT OR NOT VOTING: Caldwell, J. English, Files, J. Hutchinson, B. King, Rapert, B. Sample, G. Stubblefield, E. Williams, J. Woods.

Total .....10

VOTING PRESENT:

Total .....0

Total number of votes cast.....25  
Necessary to the passage of the bill ..... 18

So the bill failed.

(SIGNED) ANN CORNWELL, SECRETARY

\* \* \* \* \* **EXPUNGED** \* \* \* \* \*

Senator Elliott moved that the record pertaining to the vote by which **Senate Bill No. 1093** passed be expunged, the motion was duly seconded and prevailed.

The record pertaining to the vote by which **Senate Bill No. 1093** passed was expunged, in accordance with a prevailing motion on April 5, 2013.

On motion of Senator Flowers, **Senate Bill No. 1111** was called up for third reading and final disposition.

**SENATE BILL NO. 1111**  
*As Engrossed: S4/4/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR S. FLOWERS**

A Bill for an act to be Entitled: AN ACT CONCERNING THE ISSUANCE OR DENIAL OF A LICENSE TO CARRY A CONCEALED HANDGUN; AND FOR OTHER PURPOSES.

Senate Bill No. 1111 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: Burnett, Caldwell, E. Cheatham, L. Chesterfield, A. Clark, Elliott, Files, S. Flowers, J. Hendren, Hickey, Holland, J. Hutchinson, K. Ingram, D. Johnson, J. Key, B. King, U. Lindsey, Maloch, B. Pierce, B. Sample, G. Stubblefield, D. Wyatt.

Total .....22

NEGATIVE: Bledsoe, Bookout, J. Dismang, J. English, Hester, Irvin, M. Lamoureux, Rapert, D. Sanders, Teague, R. Thompson, E. Williams.

Total .....12

ABSENT OR NOT VOTING: J. Woods.

Total .....1

VOTING PRESENT:

Total .....0

Total number of votes cast .....34

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

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1111 was ordered immediately transmitted to the House as passed.

On motion of Senator Chesterfield, House Bill No. 2000 was ordered re-referred to the Committee on JUDICIARY.

On motion of Senator Chesterfield, **Senate Bill No. 1147** was called up for third reading and final disposition.

**SENATE BILL NO. 1147**  
*As Engrossed: S3/19/13 S3/20/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATORS L. CHESTERFIELD, ELLIOTT & J. KEY**  
**BY: REPRESENTATIVE MCLEAN**

A Bill for an Act to be Entitled: AN ACT TO EVALUATE THE IMPACT OF SCHOOL DISCIPLINE ON STUDENT ACHIEVEMENT; AND FOR OTHER PURPOSES.

**Senate Bill No. 1147** 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: Bookout, Burnett, E. Cheatham, L. Chesterfield, A. Clark, J. Dismang, Elliott, S. Flowers, K. Ingram, D. Johnson, J. Key, M. Lamoureux, U. Lindsey, Maloch, B. Pierce, Teague, J. Woods, D. Wyatt.

Total ..... 18

NEGATIVE: Bledsoe, J. Hendren, Hester, Hickey, Holland, Irvin, Rapert, D. Sanders.

Total ..... 8

ABSENT OR NOT VOTING: Caldwell, J. English, Files, J. Hutchinson, B. King, B. Sample, G. Stubblefield, R. Thompson, E. Williams.

Total ..... 9

VOTING PRESENT:

Total ..... 0

Total number of votes cast..... 26

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. 1147** was ordered immediately transmitted to the House as passed.

On motion of Senator Teague, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget amendments.

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

On motion of Senator Teague, **House Bill No. 1119** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1119**

JBC 4/4/13 (16)

Amend **House Bill No. 1119** as originally introduced:

Page 5, line 2, insert a new SECTION immediately following SECTION 6 to read as follows:

" SECTION 7. APPROPRIATION - BUILDING DEMOLITION AND ENVIRONMENTAL CLEAN-UP. There is hereby appropriated, to the Department of Education - Arkansas School for the Blind, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Education - Arkansas School for the Blind, for maintenance and general operating expenses related to the demolition and environmental clean-up of the building located on the Blind School Grounds that was formerly occupied by Easter Seals Arkansas for the fiscal year ending June 30, 2014, the following:

ITEM NO.	2013-2014	FISCAL YEAR
(01) MAINTENANCE AND GENERAL OPERATING EXPENSES		<u>\$450,000"</u>

AND

Appropriately renumber subsequent SECTIONS of the bill

AND

Page 5, line 12, delete "8" and substitute "9".

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1119** was ordered engrossed.

On motion of Senator Teague, **Senate Bill No. 26** 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. 26**

JBC 4/4/13 (1)

Amend **Senate Bill No. 26** as originally introduced:

Page 1, line 31, delete "1" and substitute "3"

AND

Page 1, line 33, delete "3" and substitute "5"

AND

Page 2, line 15, delete "\$89,045" and substitute "\$143,169"

AND

Page 2, line 17, delete "34,150" and substitute "49,305"

AND

Page 2, line 24, delete " \$187,519" and substitute " \$256,798".

(SIGNED) SENATOR LARRY TEAGUE

The Amendment was read 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 Teague, **Senate Bill No. 60** 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. 60**

JBC 4/4/13 (3)

Amend **Senate Bill No. 60** as originally introduced:

Page 2, line 20 delete "86,700" and substitute "91,700"

AND

Page 2, line 27 delete "\$1,699,284" and substitute "\$1,704,284"

AND

Insert two new sections immediately following SECTION 3 of the bill to read as follows:

" SECTION 4. SPECIAL LANGUAGE. Arkansas Code § 17-24-305 concerning the use of State Board of Collection Agencies fees is amended to read as follows:

17-24-305. Fees — Disposition.

(a) The State Board of Collection Agencies may charge an annual license fee not to exceed one hundred twenty-five dollars (\$125) for licensing each collection agency and an annual fee of ~~fifteen dollars (\$15.00)~~ twenty dollars (\$20) effective September 1, 2013, for registering each employee of the licensed collection agency who as an employee solicits, collects, or attempts to collect any delinquent account or accounts by telephone, mail, personal contact, or otherwise.

(b) All income from fees imposed under this section shall be distributed as follows:

~~(1)(A) Beginning July 1, 2006, and each July 1 thereafter, the first one hundred fifteen thousand dollars (\$115,000) in fees received by the board shall be remitted in one (1) payment by the board to the Treasurer of State for the Division of Medical Services of the Department of Human Services and deposited into a paying account as determined by the Chief Fiscal Officer of the State to be used in accordance with § 20-10-705.~~

~~(B) The funds remaining after the distribution in subdivision (b)(1)(A) of this section for the fiscal year ending June 30, 2007, and funds each July 1 thereafter received by the board in an amount not to exceed six hundred thousand dollars (\$600,000) each fiscal year shall be remitted by the board to the University of Arkansas for Medical Sciences for deposit into a financial institution in accordance with the policies of the University of Arkansas. The funds shall be expended for the College of Pharmacy and the College of Nursing in accordance with § 6-64-417.~~

~~(C) The funds remaining after the distributions in subdivisions (b)(1)(A) and (B) of this section for the fiscal year ending June 30, 2007, and funds received by the board each July 1 thereafter in an amount not to exceed two hundred fifty thousand dollars (\$250,000) each fiscal year shall be remitted by the board to Arkansas State University — Mountain Home for deposit into the Arkansas State University — Mountain Home Fund. The funds shall be expended exclusively for the Arkansas State University — Mountain Home Practical Nurse Program.~~

~~(D) The funds remaining after the distributions in subdivisions (b)(1)(A)-(C) of this section for the fiscal year ending June 30, 2009, and funds received by the board each July 1 thereafter in an amount not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by the board to the University of Central Arkansas for deposit into the University of Central Arkansas Fund. The funds shall be expended exclusively for the University of Central Arkansas Department of Nursing.~~

~~(E)(i) The funds remaining after the distributions in subdivisions (b)(1)(A)-(D) of this section for the fiscal year ending June 30, 2010, and funds received by the board each July 1 thereafter in an amount not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by the board to Southern Arkansas University for deposit into the Southern Arkansas University Fund.~~

~~(ii) Funds shall be expended exclusively for personal services and operating expenses of the Southern Arkansas University System.~~

~~(F) The funds remaining after the distributions in subdivisions (b)(1)(A)-(E) of this section for the fiscal year ending June 30, 2011, and funds received by the board each July 1 thereafter in an amount not to exceed one hundred thousand dollars (\$100,000) each fiscal year shall be remitted by the board to Henderson State University for deposit into the Henderson State University Fund.~~

~~(G) Funds remaining after the distributions in subdivisions (b)(1)(A)-(F) of this section shall be deposited to the State Board of Collection Agencies account in some bank authorized to do business in this state.~~

(1) Beginning July 1, 2013, and each fiscal year thereafter the State Board of Collection Agencies shall remit to each entity in subdivisions (b)(2)(A) through (F) one (1) annual payment. Distributions shall be funded in the percentage of the total funds available up to the maximum authorized; that is if less than 100% of the total allocation is available for distribution, all allocations listed in (b)(2)(A) through (F) will be funded at a prorated percentage consistent with the available funds. At no time shall the total distribution exceed the maximum amounts as listed in (b)(2)(A) through (F).

(2)(A) an amount not to exceed one hundred fifteen thousand dollars (\$115,000) to the Treasurer of State for the Division of Medical Services of the Department of Human Services for deposit into a paying account as determined by the Chief Fiscal Officer of the State to be used in accordance with § 20-10-705.

(B) an amount not to exceed six hundred thousand dollars (\$600,000) to the University of Arkansas for Medical Sciences for deposit into a financial institution in accordance with the policies of the University of Arkansas. The funds shall be expended for the College of Pharmacy and the College of Nursing in accordance with § 6-64-417.

(C) an amount not to exceed two hundred fifty thousand dollars (\$250,000) to Arkansas State University — Mountain Home for deposit into the Arkansas State University — Mountain Home Fund. The funds shall be expended exclusively for the Arkansas State University — Mountain Home Practical Nurse Program.

(D) an amount not to exceed one hundred thousand dollars (\$100,000) to the University of Central Arkansas for deposit into the University of Central Arkansas Fund. The funds shall be expended exclusively for the University of Central Arkansas Department of Nursing.

(E) an amount not to exceed one hundred thousand dollars (\$100,000) to Southern Arkansas University for deposit into the Southern Arkansas University Fund. The funds shall be expended exclusively for personal services and operating expenses of the Southern Arkansas University System.

(F) an amount not to exceed one hundred thousand dollars (\$100,000) to Henderson State University for deposit into the Henderson State University Fund.

(3) Funds remaining after the distributions in subdivisions (b)(2)(A)-(F) of this section shall be deposited to the State Board of Collection Agencies account in some bank authorized to do business in this state.

SECTION 5. SPECIAL LANGUAGE. Arkansas Code § 17-24-306 concerning bond requirements established by the State Board of Collection Agencies is amended to read as follows:

17-24-306. Bond.  
(a) The State Board of Collection Agencies shall require each licensee to secure a surety bond in an amount not less than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) nor more than ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) for each location, with the security on the bond to be approved by the board."

AND

Appropriately renumber subsequent SECTION numbers.

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 60** was ordered engrossed.

On motion of Senator Teague, **Senate Bill No. 100** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 100**

JBC 4/4/13 (2)

Amend **Senate Bill No. 100** as engrossed, S3/4/13:

Page 3, line 35, delete "COMMITTEES/PROGRAMS" and insert "BAR OF ARKANSAS"

And

Page 3, line 36, delete "Office of Professional" and insert "Bar of Arkansas"

And

Page 4, delete lines 1 and 2 in their entirety

And

Page 4, line 3, delete "Justice Commission"

And

Page 4, line 14, delete "PROGRAM DIRECTOR" and insert "DIRECTOR OF"

And

Page 4, line 15, delete "PROGRAM DIRECTOR" and insert "DIRECTOR OF"

And

Page 4, line 17, delete "1" and insert "2"

And

Page 4, delete lines 18-23 in their entirety and substitute the following:

" (9)	SUPREME COURT DEPUTY DIRECTOR JLAP	1	GRADE C120
(10)	SUPREME COURT INVESTIGATOR OPC	1	GRADE C119
(11)	SUPREME COURT FINANCIAL SPECIALIST	1	GRADE C118
(12)	SUPREME COURT DATABASE MANAGER	1	GRADE C118
(13)	SUPREME COURT PARALEGAL OPC	1	GRADE C118
(14)	SUPREME COURT ADMIN ASSISTANT OPC	2	GRADE C115
(15)	SUPREME COURT ADMIN ASSISTANT OPP	2	GRADE C115
(16)	SUPREME COURT ADMIN ASSISTANT AJC	<u>1</u>	GRADE C115
	MAX. NO. OF EMPLOYEES	19"	

And

Page 4, line 25, delete "COMMITTEES/PROGRAMS" and insert "BAR OF ARKANSAS"

And

Page 4, line 26, delete "Committees/Programs" and insert "Bar of Arkansas"

And

Page 4, line 29, delete "three (3)" and insert "five (5)"

And

Page 4, line 34, delete "COMMITTEES/PROGRAMS" and insert "BAR OF ARKANSAS"

And

Page 5, delete lines 2 and 3 in their entirety and substitute the following:  
"Bar of Arkansas"

And

Page 5, line 4, delete "Arkansas Access to Justice Commission"

And

Page 5, delete lines 9-18 in their entirety and substitute the following:

"(01) REGULAR SALARIES	\$1,500,000
(02) EXTRA HELP	25,000
(03) PERSONAL SERVICES MATCH	500,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,000,000
(B) CONF. & TRAVEL	100,000
(C) PROF. FEES	500,000
(D) CAP. OUTLAY	100,000
(E) DATA PROC.	0
(05) CAPITAL IMPROVEMENTS	100,000
(06) TRANSFERS, RETIREMENT, INVESTME	<u>2,250,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$6,075,000"</u></u>

And

Page 5, delete lines 22-36 in their entirety and substitute the following:

"16-11-116. Regulation of the Practice of Law.

(a) Pursuant to Amendment 28 of the Arkansas Constitution the Arkansas Supreme Court is charged with the authority and responsibility to regulate the practice of law. As of July 1, 2013, those persons who are employed by the Supreme Court to carry out these responsibilities and who are paid from the Bar of Arkansas Account shall be considered employees of the State of Arkansas administered by the Arkansas Supreme Court.

(b) For all purposes involving annual leave, sick leave, and career service recognition as a state employee, years of service as an employee of the Supreme Court - Bar of Arkansas shall be recognized as eligible service as a state employee.

(c) Notwithstanding A.C.A. 19-4-801 or any other law to the contrary, employees shall be paid from cash funds of the Arkansas Supreme Court derived solely from revenues received from attorney license fees and any other fees, fines, interest income, or other revenues derived from the regulation of the practice of law that may be deposited into the Bar of Arkansas Account as determined by the Arkansas Supreme Court.

(d)(1)(A) On July 1, 2013, the Bar of Arkansas Employees Pension Plan shall be abolished, and its power, duties, plan liabilities and assets shall be transferred to and assumed by the Arkansas Public Employees Retirement System, together with all accrued service credit due its members.

(B) All current members and beneficiaries of the Bar of Arkansas Employees Pension Plan shall be members of the Arkansas Public Employees Retirement System and covered by that system's eligibility, retirement and beneficiary provisions, except that those employees who were members of the Bar of Arkansas Employee Pension Plan and who were eligible for the lump sum distribution provisions of that plan as referenced in Section 9.2(h) of the official plan document shall retain those rights as provided by the Bar of Arkansas Employees Pension Plan.

(2) Employees of the Supreme Court – Bar of Arkansas who are hired after July 1, 2013 shall be enrolled in the Arkansas Public Employees Retirement System as a condition of employment as provided for in ACA 24-4-301."

And

Page 6, delete lines 1-12 in their entirety.

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 100 was ordered engrossed.

On motion of Senator Teague, **Senate Bill No. 132** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 3.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 3 to SENATE BILL NO. 132**

JBC 4/4/13 (1)

Amend **Senate Bill No. 132** as engrossed, S3/28/13:

Page 1, line 35 delete "3" and substitute "4"

AND

Page 2, line 22 delete in its entirety and substitute the following:

" (29) B123C AGFC BIOLOGIST SPECIALIST	36	GRADE C121
(30) B131C AGFC BIOLOGIST - ASST REGIONAL MGR	8	GRADE C121
(31) B132C ASSISTANT HATCHERY MANAGER	5	GRADE C121"

AND

PAGE 2, line 29 delete "58" and substitute "44"

AND

Page 3, line 33 delete "4" and substitute "5"

AND

Page 4, line 2 delete "6" and substitute "7"

AND

Page 4, line 7 delete "10" and substitute "9"

AND

Page 4, line 10 delete "610" and substitute "612"

AND

Appropriately renumber the item numbers.

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 132** was ordered engrossed.

On motion of Senator Teague, **Senate Bill No. 157** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 157

JBC 4/4/13 (27)

Amend **Senate Bill No. 157** as originally introduced:

Page 2, line 10, delete "\$5,170,132" and insert "\$5,635,480"

And

Page 2, line 11, delete "1,742,839" and insert "1,799,557"

And

Page 2, line 14, delete "\$7,262,971" and insert "\$7,785,037".

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 157** was ordered engrossed.

On motion of Senator Teague, **Senate Bill No. 213** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 213**

JBC 4/4/13 (3)

Amend **Senate Bill No. 213** as originally introduced:

Insert an additional section immediately following SECTION 27 of the bill to read as follows:

" SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL RATES OF PAY AND EMPLOYMENT WORK DAYS. For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed below, the Division of Behavioral Health Director shall implement salary adjustments utilizing the approved pay grid for teachers employed by the Arkansas Schools for the Blind and Deaf.

To achieve the salary adjustments, the Division of Behavioral Health is authorized to pay special rates of pay for classifications at the Arkansas State Hospital listed below:

<u>Classification</u>	<u>Title</u>	<u>Grade</u>
<u>E044C</u>	<u>Certified Bachelors Teacher</u>	<u>C117</u>
<u>E035C</u>	<u>Certified Masters Teacher</u>	<u>C119</u>

Funding for the minimum compensation provided for in this section that is supported in whole or in part from general revenues, shall, if required, be provided by a transfer from the Merit Adjustment Fund to the proper fund or fund account and in such amounts as determined by the Chief Fiscal Officer of the State. The Division of Behavioral Health shall in addition to the funds provided in this Act for Annual Career Service Recognition Payments from the Merit Adjustment Fund, make available any funding generated from agency salary savings for such purposes from the funds or fund accounts as provided by law.

For employees hired on or after July 1, 2013, at the Arkansas State Hospital in the classifications listed above, the Division of Behavioral Health Director shall set the number of work days for the employment year to equal the number of days worked by those employed in the same classifications at the Arkansas Schools for the Blind and Deaf. The accrual, use, and carryover of sick days, personal days, and holidays of the employees at the Arkansas State Hospital that are hired on or after July 1, 2013, or current employees choosing to adopt this plan, shall be treated in the same manner as those employed in the same classifications at the Arkansas Schools for the Blind and Deaf.

Those currently employed at the Arkansas State Hospital in the classifications listed above as of June 30, 2013, have the one-time option of adopting this language or continuing to operate under the same salary, leave and benefit plans they are currently receiving. Employees must make their decision by June 30, 2013.

Accrued annual and holiday leave, up to 240 hours, as of June 30, 2013, will be paid out to current employees choosing to adopt this plan. Any additional accrued annual and holiday leave will be forfeited. Accrued sick leave, as of June 30, 2013, shall be retained on file and shall be exhausted before any newly accrued sick leave may be taken. All employees affected by this section shall be eligible to receive hazardous duty pay for time worked in eligible areas.  
The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014."

AND

Appropriately renumber the SECTION numbers of the bill.

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 213 was ordered engrossed.

On motion of Senator Teague, Senate Bill No. 233 was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 5.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 5 to SENATE BILL NO. 233

JBC 4/4/13 (3)

Amend Senate Bill No. 233 as engrossed, S4/1/13:

Page 12, delete line 33, delete "FUNDING RESTRICTIONS" and substitute "PROVISIONS."

AND

Page 12, line 34, immediately before "Regardless" insert the following:

"(a)"

AND

Page 13, line 4, insert the following:

" (b) As of school year 2012-13, the State Board of Education has approved a maximum enrollment of 500 for the open-enrollment public virtual charter school.

(c) Beginning in school year 2013-14 and thereafter, for an open-enrollment public charter granted to a virtual school, the school shall be allowed to enroll an eligible student in any grade, kindergarten through grade twelve (12), up to a total school enrollment of three thousand (3,000) students.

(d) Students that become enrolled in the two thousand five hundred (2,500) additional slots authorized by subsection (c) of this Section must be enrolled in an Arkansas public school for the first three quarters of the prior school year.

(e)"

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 233** was ordered engrossed.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 100, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 132, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 157, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 213, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 233, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Teague, **Senate Bill No. 100** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Teague, **Senate Bill No. 132** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Teague, **Senate Bill No. 157** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Teague, **Senate Bill No. 213** was ordered re-referred to the Committee on JOINT BUDGET.

On motion of Senator Teague, **Senate Bill No. 233** was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 26, BY JOINT BUDGET COMMITTEE,  
SENATE BILL NO. 60, BY JOINT BUDGET COMMITTEE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE, CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1119, 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) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Woods, **House Bill No. 1470** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1470**

Amend **House Bill No. 1470** as engrossed, H3/13/13:

Page 3, delete line 20 and substitute:

"years of age or older at the time the felony was committed.

(c)(1) A person charged with a traffic offense committed in any type of motor vehicle who was a holder of a commercial learner's permit or commercial driver license at the time the traffic offense was committed is ineligible to participate in a pre-adjudication probation program.

(2) As used in subdivision (c)(1) of this section, "traffic offense" does not include a parking violation, motor vehicle weight violation, or motor vehicle defect violation."

(SIGNED) SENATOR JEREMY HUTCHINSON

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1470** was ordered engrossed.

On motion of Senator Woods, **Senate Bill No. 653** was placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 653**

Amend **Senate Bill No. 653** as engrossed, S4/2/13:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 12-12-919(a), as amended by Acts 2013, No. 505, concerning lifetime registration for a sexually dangerous person, is amended to read as follows:

- (a) Lifetime registration is required for a sex offender who:
- (1) ~~Found~~ Was found to have committed an aggravated sex offense;
  - (2) ~~Determined~~ Was determined by the court to be or assessed as a Level 4 sexually dangerous person; or
  - (3) ~~Found to have been adjudicated guilty of~~ Has pleaded guilty or nolo contendere to or been found guilty of a second or subsequent sex offense under a separate case number, not multiple counts on the same charge."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 653** was ordered engrossed.

On motion of Senator Rapert, **Senate Bill No. 874** 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. 874**

Amend **Senate Bill No. 874** as originally introduced:

Page 2, delete line 10, and substitute:

“(B) Having been without sleep for a period of twenty-four (24) consecutive hours and in the state of being asleep; and”

(SIGNED) SENATOR JASON RAPERT

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 874** was ordered engrossed.

On motion of Senator Woods, **Senate Bill No. 916** was placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 916**

Amend **Senate Bill No. 916** as engrossed, S3/27/13:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 1, is amended to add an additional section to read as follows:

23-79-156. Notification of drug formulary changes.

(a)(1) A health benefit plan that provides prescription drug coverage or contracts with a third party for prescription drug services with tiered copayments shall notify an enrollee presently taking a prescription drug, in writing or electronically at the request of the enrollee, at least sixty (60) days before an increase in the enrollees' financial responsibility as a result of a modification by the health benefit plan to the health benefit plan's drug formulary.

(2) Subdivision (a)(1) of this section does not apply to a generic substitution for a prescription drug.

(b) This section does not apply to coverage for a drug that is determined by a pharmacy and a therapeutics committee to be subject to new safety warnings.

SECTION 2. Effective date. Section 1 of this act is effective on and after January 1, 2014."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 916** was ordered engrossed.

On motion of Senator Maloch, **Senate Bill No. 968** was placed back on second reading for purpose of Amendment No. 3.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 3 to SENATE BILL NO. 968**

Amend **Senate Bill No. 968** as engrossed, S4/4/13:

Page 1, delete lines 30 and 31 and substitute the following:  
"course of their practice for the twelve (12) months immediately prior to July 4, 1983 before the effective date of this act, shall be exempt from the requirements of this subsection."

AND

Page 1, delete line 35 and substitute the following:  
"based on such information as is necessary for the board to determine:"

AND

Page 2, delete lines 12 through 15 and substitute the following:  
"(G) Whether the physician has a financial relationship"

AND

Page 2, line 18, delete "(I)" and substitute "(H)"

AND

Page 2, line 20, delete "(J)" and substitute "(I)"

AND

Page 2, delete line 27 and substitute the following:  
"reporting requirements to the Prescription Drug Monitoring Program.  
(4) A prescription for a topical medication is exempt from subdivision (d)(3) of this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act regulates the dispensing of legend drugs; that physicians and patients require certainty about the prescriptive authority of physicians and the availability of legend drugs; that a delay between the passage of this act and the effectiveness of this act will create uncertainty about the prescriptive authority of physicians and the availability of legend drugs. 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 BRUCE MALOCH

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 968 was ordered engrossed.

On motion of Senator Clark, Senate Bill No. 999 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. 999

Amend Senate Bill No. 999 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 5, Chapter 73, Subchapter 1, is amended to add a new section to read as follows:

5-73-112. Possession of a firearm permitted.  
Possession or constructive possession of a firearm by a person, including in the person's vehicle, is not a criminal offense under this chapter unless the possession specifically violates another:

- (1) Federal law;
- (2) State law; or
- (3) Local ordinance."

(SIGNED) SENATOR ALAN CLARK

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 999 was ordered engrossed.

On motion of Senator Ingram, Senate Bill No. 1036 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. 1036

Amend Senate Bill No. 1036 as originally introduced:

Add Senator S. Flowers as a cosponsor of the bill

AND

Add Representative Ferguson as a cosponsor of the bill

AND

Page 1, delete lines 8 through 10 and substitute the following"  
"AN ACT TO AMEND ARKANSAS CODE § 11-10-210 OF THE DEPARTMENT OF  
WORKFORCE SERVICES LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES."

AND

Page 1, delete lines 14 through 16 and substitute the following:

"TO AMEND ARKANSAS CODE § 11-10-210 OF THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 11-10-210(f), concerning exclusions from the definition of employment, is amended to add an additional subdivision to read as follows:

(21)(A) Services performed as personal care services for a certified ElderChoices Provider licensed under § 20-10-2301 et seq., unless the provider is a state or local government entity or federally recognized Indian tribe as described in 26 U.S.C § 3306(c)(7) or a nonprofit organization as described in 26 U.S.C § 3309(a)(1).

(B) Subdivision (f)(21)(A) of this section is retroactive to January 1, 2010.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that ElderChoices clients are among the state's most vulnerable citizens; that ElderChoices personal services caregivers provide essential assistance to ElderChoices clients to help them remain healthy and to keep them in their homes and out of institutions; that personal care services caregivers for ElderChoices clients are jeopardized by recent decisions by the Department of Workforce Services regarding the employment status of personal care services caregivers. 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 KEITH INGRAM

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1036 was ordered engrossed.

On motion of Senator Johnson, [Senate Bill No. 1122](#) 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. 1122](#)

Amend [Senate Bill No. 1122](#) as originally introduced:

Delete the title of the bill and substitute the following:

"AN ACT TO AMEND THE LAW GOVERNING HEALTH MAINTENANCE ORGANIZATIONS; TO TRANSFER REGULATORY RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH FOR HEALTH MAINTENANCE ORGANIZATIONS TO THE INSURANCE COMMISSIONER; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO AMEND THE LAW GOVERNING HEALTH MAINTENANCE ORGANIZATIONS; AND TO TRANSFER REGULATORY RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH FOR HEALTH MAINTENANCE ORGANIZATIONS TO THE INSURANCE COMMISSIONER."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 23-76-105(c), concerning penalties and enforcement provisions applicable to health maintenance organizations, is amended to read as follows:

(c)(1) If the commissioner ~~or the Director of the Department of Human Services~~ shall for any reason have cause to believe that any violation of this chapter has occurred or is threatened, the commissioner ~~or the director~~ may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in the suspected violation, to arrange a conference with the alleged violators or their authorized representatives for the purpose of attempting to ascertain the facts relating to the suspected violation and, in the event it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violations.

(2) Proceedings under this subsection shall not be governed by any formal procedural requirements and may be conducted in ~~such the~~ the manner as the commissioner ~~or the director may deem~~ deems appropriate under the circumstances.

SECTION 2. Arkansas Code § 23-76-107(c)(13), concerning requirements for an application to establish a health maintenance organization, is amended to read as follows:

(13) A description of the procedures and programs to be implemented to meet the quality of health care requirements in § 23-76-108~~(a)(2)~~;

SECTION 3. Arkansas Code § 23-76-108 is amended to read as follows:  
23-76-108. Issuance of certificate of authority.

~~(a)(4)~~ Upon receipt of an application for issuance of a certificate of authority, the Insurance Commissioner shall ~~immediately transmit copies of the application and accompanying documents to the Director of the Department of Health~~ determine whether the applicant furnishes or proposes to furnish adequate and accessible health care services for its health care plans subject to the requirements or rules of the State Insurance Department.

~~(2) The director shall determine whether the applicant for a certificate of authority with respect to health care services to be furnished:~~

~~(A) Has demonstrated the legal qualifications and authority and potential ability to assure that the health care services will be provided in a manner to assure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability and accessibility and continuity of service;~~

~~(B) Has arrangements, established in accordance with regulations promulgated by the director for an ongoing quality of health care assurance program concerning health care processes and outcomes; and~~

~~(C) Has a procedure established in accordance with regulations of the director to develop, compile, evaluate, and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services, and other matters as may be reasonably required by the director.~~

~~(3)(A) Within sixty (60) days of receipt of the application for issuance of a certificate of authority, the director shall certify to the commissioner whether the proposed health maintenance organization meets the requirements of subdivision (a)(2) of this section.~~

~~(B)(i) If the director certifies that the health maintenance organization does not meet the requirements, the director shall specify in what respects it is deficient.~~

~~(ii) However, the director shall not certify that the requirements are not met unless the proposed health maintenance organization has been given an opportunity to comment on the proposed findings of deficiency.~~

~~(C) If requested by the proposed health maintenance organization, the director shall hold a hearing on his or her proposed finding of deficiency.~~

(b) The commissioner shall issue a certificate of authority to any person filing an application pursuant to § 23-76-107 within sixty (60) days of receipt of the ~~certificate from the director, when~~ application if the commissioner is satisfied that the following conditions are met:

(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations;

~~(2) The director certifies in accordance with subsection (a) of this section~~ commissioner determines that the health maintenance organization's proposed plan of operation meets the requirements of subdivision (a)(2) subsection (a) of this section;

~~(3) The health care plan constitutes an appropriate mechanism whereby~~ will allow the health maintenance organization will effectively to provide or arrange for the provision of basic health care services through insurance or otherwise on a prepaid basis, ~~through insurance or otherwise, except~~ subject to the extent of reasonable requirements for copayments;

(4) The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees;

(5) The health care plan's arrangements for health care services and the schedule of charges for use therewith are financially sound and reasonable;

(6) Any agreements with insurers, hospitals, medical service corporations, governmental entities, or any other organizations for insuring the payment of the cost of health care services or the provision for automatic applicability of alternative coverage in the event of discontinuance of the plan are reasonable and adequate;

(7) Agreements with providers for the provision of health care services are reasonable and adequate;

(8) The enrollees will be afforded an opportunity to participate in matters of policy and operation pursuant to § 23-76-110;

(9) Nothing in the proposed method of operation, as shown by the information submitted pursuant to § 23-76-107 or by independent investigation is contrary to the public interest;

~~(10) Any deficiencies certified by the director have been corrected;~~

~~(11)~~(10) Any deposit of cash or securities, in an amount determined to be appropriate by the commissioner pursuant to § 23-76-118, is sufficient to guarantee that the obligations to provide the promised benefits will be performed; and

~~(12)~~(11) The applicant has paid-in capital in an amount not less than one hundred thousand dollars (\$100,000) and additional working capital or surplus funds in an amount deemed by the commissioner to be adequate in relation to the proposed plan of operation.

(c) A certificate of authority shall be denied by the commissioner only after compliance with the requirements of § 23-76-126.

SECTION 4. Arkansas Code § 23-76-113(a), concerning the annual report required of a health maintenance organization, is amended to read as follows:

(a) ~~Every~~ A health maintenance organization shall annually, on or before March 1, file a report verified by at least two (2) principal officers with the Insurance Commissioner, ~~with a copy to the Director of the Department of Health,~~ covering the preceding calendar year.

SECTION 5. Arkansas Code § 23-76-113(b)(5)(D), concerning requirements for a health maintenance organization's annual report to regulators, is amended to read as follows:

(D) A summary of information compiled pursuant to § 23-76-108 in ~~such the~~ the form as required by the ~~director~~ commissioner; and

SECTION 6. Arkansas Code § 23-76-116 is amended to read as follows:  
23-76-116. Complaint system.

(a)(1) Every health maintenance organization shall establish and maintain a complaint system that has been approved by the Insurance Commissioner ~~after consultation with the Director of the Department of Health~~ to provide reasonable procedures for the resolution of written complaints initiated by enrollees concerning health care services.

(2) Each health maintenance organization shall submit to the commissioner ~~and the director~~ an annual report in a form prescribed by the commissioner, ~~after consultation with the director,~~ that shall include:

(A) A description of the procedures of the complaint system;

(B) The total number of complaints handled through the complaint system and a compilation of causes underlying the complaints filed; and

(C) The number, amount, and disposition of malpractice claims settled during the year by the health maintenance organization.

(b)(1) The health maintenance organization shall maintain records of written complaints filed with it concerning issues and persons other than health care services and

shall submit to the commissioner a summary report at such times and in such format as the commissioner may require.

(2) Complaints involving other persons shall be referred to the persons with a copy to the commissioner.

(c) The commissioner ~~or the director~~ may examine the complaint system, subject to the limitation concerning medical records of individuals set forth in § 23-76-122(c).

SECTION 7. Arkansas Code § 23-76-122 is amended to read as follows:

23-76-122. Examinations.

(a) The Insurance Commissioner may make an examination of the affairs of any health maintenance organization as often as he or she deems it necessary for the protection of the interests of the people of this state but not less frequently than one (1) time every three (3) years.

(b) ~~The Director of the Department of Health~~ commissioner may make an examination concerning the quality of health care services of any health maintenance organization as often as he or she deems it necessary for the protection of the interests of the people of this state but not less frequently than one (1) time every three (3) years.

(c)(1) Every health maintenance organization shall submit its books and records relating to the health care plan to the examinations and in every way facilitate them.

(2) For the purpose of examinations, the commissioner ~~and the director~~ may administer oaths to and examine the officers and agents of the health maintenance organization.

(3) Medical records of individuals and records of physicians and hospitals providing services under a contract to the health maintenance organization shall be subject to the examination.

(d) The expenses of examinations under this section shall be assessed against the organization being examined and remitted to the commissioner ~~or the director for whom the examination is being conducted~~.

(e) In lieu of the examination, the commissioner ~~or the director~~ may accept the report of an examination made by the insurance commissioner of another state or director of the department of health of another state.

(f)(1) Any examination under this section that is to commence within one (1) year prior to the date a health maintenance organization shall cease to provide health care services in this state, may be reduced in scope or waived in its entirety, upon application of the health maintenance organization and approval of the commissioner.

(2) The commissioner shall consider the following in determining whether a full or partial waiver may be granted:

- (A) Claims payment history;
- (B) Consumer complaint history ~~with the department~~;
- (C) Financial condition; and
- (D) Compliance with § 23-76-118.

(3) Any health maintenance organization requesting a waiver of an examination shall continue to comply with § 23-76-118 until such time as it is no longer providing health care services in this state.

SECTION 8. Arkansas Code § 23-76-123(a)(4), concerning grounds for the suspension or revocation of a health maintenance organization's certificate of authority, is amended to read as follows:

(4) ~~The Director of the Department of Health certifies to the commissioner that:~~

- ~~(A) The health maintenance organization;~~
- (A) does Does not meet the requirements of § 23-76-108(a)(2); or
- ~~(B) The health maintenance organization is Is~~ unable to fulfill its obligations to furnish health care services as required under its health care plan;

SECTION 9. Arkansas Code § 23-76-126 is amended to read as follows:

23-76-126. Administrative proceedings.

(a) ~~Application for a Certificate of Authority.~~

~~(1) The public hearing referred to in § 23-76-108(a)(3)(C) shall be held within sixty (60) days after receipt by the Insurance Commissioner of the certification from the Director of the Department of Health, and at least twenty (20) days' notice thereof shall be given by the commissioner to the person filing the application.~~

~~(2) At the hearing, the person filing the application, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the courts of this state.~~

~~(3) All discovery proceedings shall be concluded not later than three (3) days prior to commencement of the public hearing.~~

~~(b)(a)(1) Proceedings Against a Certificate of Authority.~~

~~When~~ If the commissioner Insurance Commissioner has cause to believe that grounds for the suspension or revocation of a certificate of authority exist, the commissioner shall:

~~(A) notify~~ Notify the health maintenance organization and the director in writing specifically stating of the grounds for suspension or revocation of the certificate of authority; and

~~(B) fixing a time of at least twenty (20) days thereafter for~~ Schedule a hearing on the matter at least twenty (20) days after giving written notice of the hearing.

~~(2)(A) The director, or his or her designated representative, shall be in attendance at the hearing and shall participate in the proceedings.~~

~~(B) The recommendation and findings of the director, with respect to matters relating to the quality of health care services provided in connection with any decision regarding suspension or revocation of a certificate of authority, shall be conclusive and binding upon the commissioner.~~

~~(C)(2) After the hearing or upon the failure of the health maintenance organization to appear at the hearing, the commissioner shall take appropriate action as is deemed advisable on and mail written findings which shall be mailed to the health maintenance organization with a copy thereof to the director.~~

~~(e)(b)(1) Judicial Review. The action of the commissioner and the recommendation and findings of the director shall be subject to review by~~ may be appealed to the Pulaski County Circuit Court. In disposing of the issue before it, the court may affirm or reverse the order of the commissioner. The review shall be upon the record of the proceedings, hearing, and findings of the commissioner.

~~(2) The commissioner's decision shall be affirmed if it is supported by the preponderance of the evidence in the record.~~

~~(d)(c) The provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall apply~~ applies to proceedings under this section to the extent ~~they are~~ it is not in conflict with subsections ~~(a) and (b)~~ of this section.

SECTION 10. Arkansas Code § 23-76-127 is amended to read as follows:

23-76-127. Fees — Disposition of revenues.

~~(a) Every health maintenance organization subject to this chapter shall pay the Department of Health the following fees:~~

~~(1) For filing, reviewing, and issuance of all documents necessary for the issuance of the original certificate of authority, one thousand dollars (\$1,000);~~

~~(2) For annual renewal of the certificate of authority, five hundred dollars (\$500);~~

~~(3) For filing an annual statement, fifty dollars (\$50.00); and~~

~~(4) For filing amendments to documents required under § 23-76-107(c)(2), twenty-five dollars (\$25.00).~~

~~(b)(1) All fees levied and collected under this section are declared to be special revenues and shall be deposited in the State Treasury, there to be credited to the Public Health Fund.~~

~~(2) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health is authorized to transfer all unexpended funds relative to the health maintenance organization that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.~~

~~(c) Every A health maintenance organization subject to this chapter shall pay to the State Insurance Department Trust Fund as special revenues the following fees:~~

- ~~(1) For filing and reviewing all documents necessary for issuance of an original certificate of authority, one thousand dollars (\$1,000);~~
- ~~(2) For issuance of the original certificate of authority, two hundred dollars (\$200);~~
- ~~(3) For annual renewal of the certificate of authority, one hundred dollars (\$100);~~
- ~~(4) For filing an annual statement, fifty dollars (\$50.00); and~~
- ~~(5) For filing amendments to documents required under § 23-76-107, one hundred dollars (\$100).~~

SECTION 11. Arkansas Code § 23-76-130 is amended to read as follows:  
23-76-130. Director of the Department of Health's authority to contract.

~~(a) In carrying out his or her obligations under §§ 23-76-108(a)(2), 23-76-122(b), and 23-76-123(a), the Director of the Department of Health may contract with qualified persons to make recommendations concerning the determinations required to be made by him or her. The Insurance Commissioner may contract with qualified persons to make recommendations concerning the adequacy, network adequacy, or accessibility of health care services under a health care plan furnished or proposed to be furnished by a health maintenance organization.~~

~~(b) The commissioner may accept all or part of the recommendations may be accepted in full or in part by the director.~~

SECTION 12. Arkansas Code § 19-6-301(172)(C), concerning special revenues of the State Insurance Department, is amended to read as follows:

(C) Health maintenance organization fees, § 23-76-127(e);"

(SIGNED) SENATOR DAVID JOHNSON

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

(SIGNED) ANN CORNWELL, SECRETARY

Senate Bill No. 1122 was ordered engrossed.

On motion of Senator Williams, **House Bill No. 1350** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1350**

Amend **House Bill No. 1350** as engrossed, H3/6/13:

Add Senators L. Chesterfield and E. Williams as cosponsors of the bill

AND

Page 2, line 19, delete "thirty (30)" and substitute "forty-five (45)"

AND

Page 2, line 23, delete "~~thirty (30)~~ fourteen (14)" and substitute "thirty (30)"

(SIGNED) SENATOR LINDA CHESTERFIELD

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1350** was ordered engrossed.

On motion of Senator Woods, **House Bill No. 1492** was placed back on second reading for purpose of Amendment No. 3.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 3 to HOUSE BILL NO. 1492**

Amend **House Bill No. 1492** as engrossed, S4/4/13:

Page 3, delete line 26 and substitute the following:  
"under § 20-9-1302 or comparable material shall be distributed:"

AND

Page 4, delete lines 8 through 20 and substitute the following:

"20-9-1304. Data on shaken baby syndrome.

(a) At the conclusion of a child maltreatment investigation under the Child Maltreatment Act, § 12-18-101 et seq., if a child has been shaken, or has an abusive or nonaccidental head trauma, the investigative agency shall identify the type of physical abuse in the child welfare information system.

(b) The Department of Human Services shall include data on the number of children who suffer abusive head trauma, nonaccidental head trauma, and shaken baby syndrome in the annual Arkansas Child Welfare Report Card required under § 9-32-204."

(SIGNED) SENATOR JON WOODS

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1492** was ordered engrossed.

On motion of Senator Cheatham, **House Bill No. 1713** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1713**

Amend **House Bill No. 1713** as engrossed, H4/1/13:

Page 2, delete lines 18 and 19 and substitute:

"thousand dollars (\$15,000) nor more than ~~twenty-five thousand dollars (\$25,000)~~ thirty-five thousand dollars (\$35,000). The salaries shall be in an amount within the range prescribed in"

AND

Page 2, delete lines 26 and 27 and substitute:

"thousand dollars (\$15,000) nor more than ~~twenty-five thousand dollars (\$25,000)~~ thirty-five thousand dollars (\$35,000). The salaries shall be in an amount within the range prescribed in"

AND

Page 7, delete lines 30 and 31 and substitute:

"annual salary of not less than ~~twenty thousand dollars (\$20,000)~~ thirty-eight thousand dollars (\$38,000) nor more than ~~thirty thousand dollars (\$30,000)~~ forty-eight thousand dollars (\$48,000). The salary shall be paid one-half ( $\frac{1}{2}$ )"

(SIGNED) SENATOR EDDIE CHEATHAM

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1713** was ordered engrossed.

On motion of Senator Burnett, **House Bill No. 1935** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1935**

Amend **House Bill No. 1935** as engrossed, H3/25/13:

Page 1, delete lines 32 through 36

AND

Page 2, delete lines 1 through 4 and substitute the following:  
"shall not be modified, altered, amended, or changed before June 30, 2014."

(SIGNED) SENATOR DAVID BURNETT

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1935** was ordered engrossed.

On motion of Senator English, **House Bill No. 1971** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1971**

Amend **House Bill No. 1971** as originally introduced:

Add Senator J. English as a cosponsor of the bill

AND

Page 1, delete lines 29 and 30 and substitute:

"management and who is certified as a peer support member by the Arkansas Crisis Response Team to provide emotional or"

(SIGNED) SENATOR JANE ENGLISH

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1971** was ordered engrossed.

On motion of Senator Hester, **House Bill No. 1973** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1973**

Amend **House Bill No. 1** as engrossed, H3/19/13:

Add Senator Hester as a cosponsor of the bill

(SIGNED) SENATOR BART HESTER

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

(SIGNED) ANN CORNWELL, SECRETARY

**House Bill No. 1973** was ordered engrossed.

On motion of Senator Clark, **House Bill No. 1975** was placed back on second reading for purpose of Amendment No. 1.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to HOUSE BILL NO. 1975**

Amend **House Bill No. 1975** as engrossed, H4/1/13:

Add Senator L. Chesterfield as a cosponsor of the bill

(SIGNED) SENATOR ALAN CLARK

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 1975 was ordered engrossed.

On motion of Senator Bookout, House Bill No. 2110 was placed back on second reading for purpose of Amendment No. 1.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to HOUSE BILL NO. 2110

Amend House Bill No. 2110 as engrossed, H3/13/13:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:

6-18-231. Additional absences for Arkansas National Guard members.  
A student who joins the Arkansas National Guard at seventeen (17) years of age while in grade eleven (11) shall be granted additional absences at the discretion of the school district superintendent in order to complete basic combat training between grades eleven (11) and twelve (12)."

(SIGNED) SENATOR PAUL BOOKOUT

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

(SIGNED) ANN CORNWELL, SECRETARY

House Bill No. 2110 was ordered engrossed.

On motion of Senator Hendren, **Senate Bill No. 417** was called up for the purpose of considering **Amendment Nos. 1 and 2** thereto, adopted by the House.

**HALL OF THE HOUSE OF REPRESENTATIVES**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 1 to SENATE BILL NO. 417**

Amend **Senate Bill No. 417** as originally introduced:

Add Representative Steel as a cosponsor of the bill

AND

Page 2, delete lines 14 through 17 and substitute the following:

"(3) ~~No person shall be~~ A person is not liable under this subsection when the death of the ~~fetus~~ unborn child results from:

(A) a legal abortion, including an abortion performed to remove an ectopic pregnancy or other nonviable pregnancy where the embryo is not going to develop further;

(B) ~~or from the~~ The fault of the pregnant woman carrying the fetus unborn child;

(C) Assisted reproduction technology activity, procedure, or treatment;

(D) Actions occurring before transfer to the uterus of the woman of an embryo created through in vitro fertilization; or

(E) A woman or her healthcare provider using contraception approved by the United States Food and Drug Administration."

(SIGNED) REPRESENTATIVE NATE STEEL

HALL OF THE HOUSE OF REPRESENTATIVES  
 EIGHTY-NINTH GENERAL ASSEMBLY  
 REGULAR SESSION  
Amendment No. 2 to SENATE BILL NO. 417

Amend **Senate Bill No. 417** as engrossed, H3/15/13:

Page 1, delete line 33 and substitute the following:

"conception until birth.

(ii) This subdivision (13)(B) does not apply to:

(a) An act that causes the death of an unborn child in utero if the act was committed during a legal abortion to which the woman consented, including an abortion performed to remove an ectopic pregnancy or other nonviable pregnancy when the embryo is not going to develop further;

(b) An act that is committed pursuant to a usual and customary standard of medical practice during diagnostic testing or therapeutic treatment; ~~or~~

(c) An act that is committed in the course of medical research, experimental medicine, or an act deemed necessary to save the life or preserve the health of the woman;

(d) Assisted reproduction technology activity, procedure, or treatment; or

(e) An act occurring before transfer to the uterus of the woman of an embryo created through in vitro fertilization.

(iii) Nothing in this subdivision (13)(B) shall be construed to allow the charging or conviction of a woman with any criminal offense in the death of her own unborn child in utero;"

(SIGNED) REPRESENTATIVE NATE STEEL

**Amendment Nos. 1 and 2 to Senate Bill No. 417**, adopted by the House, were read the first time, rules suspended, read the second time and concurred in by the Senate.

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Hendren, **Senate Bill No. 417** was called up for third reading and final disposition.

**SENATE BILL NO. 417**  
*As Engrossed: H3/15/13 H4/1/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR J. HENDREN**  
**BY: REPRESENTATIVE STEEL**

A Bill for an Act to be Entitled: AN ACT TO MODIFY THE DEFINITION OF AN UNBORN CHILD IN THE CRIMINAL CODE AND IN WRONGFUL DEATH ACTIONS; AND FOR OTHER PURPOSES.

**Senate Bill No. 417** 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. 417** was returned from the House as passed and ordered enrolled.

On motion of Senator Hester, [Senate Bill No. 779](#) was called up for the purpose of considering [Amendment No. 1](#) thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
[Amendment No. 1 to SENATE BILL NO. 779](#)

Amend [Senate Bill No. 779](#) as originally introduced:

Add Representative Scott as a cosponsor of the bill

(SIGNED) REPRESENTATIVE SUE SCOTT

[Amendment No. 1 to Senate Bill No. 779](#), 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 Hester, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Hester, **Senate Bill No. 779** was called up for third reading and final disposition.

**SENATE BILL NO. 779**  
*As Engrossed: H4/2/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR HESTER**  
**BY: REPRESENTATIVE SCOTT**

A BILL FOR AN ACT TO BE ENTITLED: AN ACT CONCERNING THE PLACEMENT OF CHILDREN DETERMINED DEPENDENCY-NEGLECTED; AND FOR OTHER PURPOSES.

**Senate Bill No. 779** 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. 779** was returned from the House as passed and ordered enrolled.

On motion of Senator Key, **Senate Bill No. 843** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 843

Amend **Senate Bill No. 843** as originally introduced:

Add Representative C. Douglas as a cosponsor of the bill

(SIGNED) REPRESENTATIVE CHARLOTTE DOUGLAS

**Amendment No. 1 to Senate Bill No. 843**, 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 Key, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Key, **Senate Bill No. 843** was called up for third reading and final disposition.

**SENATE BILL NO. 843**  
*As Engrossed: H3/28/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR FILES**  
**BY: REPRESENTATIVE C. DOUGLAS**

A Bill for an Act to be Entitled: AN ACT TO AUTHORIZE SCHOOL DISTRICTS AND OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES OF SCHOOL DISTRICTS TO DISCLOSE EMPLOYMENT INFORMATION WITH OR WITHOUT THE CONSENT OF A CURRENT OR FORMER EMPLOYEE; AND FOR OTHER PURPOSES.

**Senate Bill No. 843** 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. 843** was returned from the House as passed and ordered enrolled.

On motion of Senator Clark **Senate Bill No. 857** was called up for the purpose of considering **Amendment No. 1** thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 857

Amend **Senate Bill No. 857** as engrossed, S3/18/13:

Add Representative Cozart as a cosponsor of the bill

(SIGNED) REPRESENTATIVE BRUCE COZART

**Amendment No. 1 to Senate Bill No. 857**, 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 Clark, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Clark, **Senate Bill No. 857** was called up for third reading and final disposition.

**SENATE BILL NO. 857**  
*As Engrossed: S3/18/13 H3/27/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR A. CLARK**  
**BY: REPRESENTATIVE COZART**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE DUTY OF THE DEPARTMENT OF WORKFORCE SERVICES TO ENFORCE THE LAW REGARDING INELIGIBILITY FOR EXTENDED UNEMPLOYMENT BENEFITS FOR FAILURE TO ACCEPT OR SEEK SUITABLE WORK; TO REQUIRE QUARTERLY REPORTS TO THE LEGISLATIVE COUNCIL CONCERNING ENFORCEMENT EFFORTS CONCERNING INELIGIBILITY FOR EXTENDED UNEMPLOYMENT BENEFITS FOR FAILURE TO ACCEPT OR SEEK SUITABLE WORK; AND FOR OTHER PURPOSES.

**Senate Bill No. 857** 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. 857 was returned from the House as passed and ordered enrolled.

On motion of Senator Thompson Senate Bill No. 928 was called up for the purpose of considering Amendment No. 1 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 928

Amend Senate Bill No. 928 as originally introduced:

Page 2, line 2, delete "or"

AND

Page 2, delete line 3 and substitute the following:

"(3) Credit cards; or

(4) A prepaid account under subsection (c) of this section."

AND

Page 2, delete lines 22 through 33

AND

Renumber the sections appropriately

AND

Page 2, line 36, delete "that that" and substitute "that"

AND

Page 3, line 1, delete "a prepaid account" and substitute "prepaid accounts"

AND

Page 3, line 4, delete "UCC" and substitute "Uniform Commercial Code"

(SIGNED) REPRESENTATIVE MARSHALL WRIGHT

**Amendment No. 1 to Senate Bill No. 928**, 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 Thompson, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Thompson, **Senate Bill No. 928** was called up for third reading and final disposition.

**SENATE BILL NO. 928**

*As Engrossed: H3/27/13*

**EIGHTY-NINTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: SENATOR R. THOMPSON**

**BY: REPRESENTATIVE WRIGHT**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY PAYMENT METHODS FOR FEES INVOLVING SECURED TRANSACTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Senate Bill No. 928 was placed on third reading and final disposition, the question being: Shall the Bill pass?

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

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

Total .....35

NEGATIVE:

Total .....0

ABSENT OR NOT VOTING:

Total .....0

VOTING PRESENT:

Total .....0

Total number of votes cast .....35

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

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

(SIGNED) ANN CORNWELL, SECRETARY

There being an emergency clause attached to Senate Bill No. 928, the President ordered the Secretary to call the roll upon the adoption of the emergency clause.

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

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

Total .....35

NEGATIVE:

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. 928 was returned from the House as passed and ordered enrolled.

On motion of Senator Thompson, Senate Bill No. 1137 was called up for the purpose of considering Amendment No. 1 thereto, adopted by the House.

HALL OF THE HOUSE OF REPRESENTATIVES  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION  
Amendment No. 1 to SENATE BILL NO. 1137

Amend Senate Bill No. 1137 as originally introduced:

Add Representative Broadway as a cosponsor of the bill

AND

Page 1, delete lines 34 through 36, and substitute the following:

"(b) A scrivener's affidavit may be executed and recorded by a:  
(1) Licensed attorney who prepared the original instrument;

- (2) Licensed attorney who represents a party to the original instrument;
  - (3) Party to the original instrument if the party prepared the original instrument; or
  - (4) Current employee of a title company that completed the form of the original instrument.
- (c) A scrivener's affidavit shall:
- (1) Be sworn to and acknowledged before a person authorized to administer an oath under the laws of this state;
  - (2) Conspicuously identify in its title that it is a "Scrivener's Affidavit"; and
  - (3) Contain the following information concerning the original instrument:
    - (A) The name of the person or entity that completed or prepared the original instrument;
    - (B) The names of all parties to the original instrument;
    - (C) The recording information, including the recording date of the original instrument; and
    - (D) A brief description of each error that the scrivener's affidavit is designed to correct.
- (d) A scrivener's affidavit may be prepared in substantially the following form:

SCRIVENER'S ERROR AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS that:

[Name] prepared or completed the form of a [Type of instrument] with regard to a conveyance from [Name(s)] as [grantor, mortgagor, etc.] to [Name(s)] as [grantee, mortgagee, etc.]. The [Type of instrument] which was recorded in the records of \_\_\_\_\_ County, Arkansas, on [Date], as Instrument Number \_\_\_\_\_ [in Book \_\_\_\_\_ at Page \_\_\_\_\_] contained a scrivener's error with regard to the [reason for correction(s)].

The aforementioned [Type of instrument] should reflect that the [Type of instrument] read as follows:  
[Insert correction(s)]

Further affiant sayeth naught.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Signature]  
Name printed: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ }  
  }ss.  
COUNTY OF \_\_\_\_\_ }

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the said county and state, personally appeared \_\_\_\_\_, to me well known, and acknowledged that [he/she] had executed the foregoing document for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

---

Notary Public

My Commission Expires: \_\_\_\_\_ "

AND

Page 2, delete lines 1 through 5

AND

Page 2, delete lines 6 and 7, and substitute the following:

"(e) A scrivener's affidavit that complies with this section in substantially the form provided by subsection (d) of this section or in a custom form shall be:"

AND

Page 2, delete lines 12 and 13, and substitute the following:

"the scrivener's affidavit; and

(3) Admissible as evidence to the same extent as a deed or other instrument recorded pursuant to § 18-12-201 et seq. in an action involving the instrument"

AND

Page 2, delete lines 15 through 17, and substitute "instrument."

AND

Page 2, delete line 18, and substitute the following:

"(f)(1) Except as provided in subdivisions (f)(2) and (3) of this section,"

AND

Page 2, delete line 24 and substitute the following:

"corrected was recorded.

(3) Subdivision (f)(2) of this section does not apply to a bona fide purchaser for value of real property."

(SIGNED) REPRESENTATIVE MARY BROADAWAY

**Amendment No. 1 to Senate Bill No. 1137**, 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 Thompson, and without objection, the rules were suspended pertaining to passage of Amendment and Bill on the same day.

On motion of Senator Thompson, **Senate Bill No. 1137** was called up for third reading and final disposition.

**SENATE BILL NO. 1137**  
*As Engrossed: H4/1/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR R. THOMPSON**  
**BY: REPRESENTATIVE BROADAWAY**

A Bill for an Act to be Entitled: AN ACT TO REGULATE DOCUMENTS CONCERNING REAL PROPERTY; TO ALLOW SCRIVENER'S AFFIDAVITS TO CORRECT ERRORS IN INSTRUMENTS AFFECTING REAL PROPERTY; AND FOR OTHER PURPOSES.

**Senate 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: 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. 1137** was returned from the House as passed and ordered enrolled.

On motion of Senator Maloch, **Senate Bill No. 455** was called up for third reading and final disposition.

**SENATE BILL NO. 455**  
*As Engrossed: S3/26/13 S4/2/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR MALOCH**

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE HEALTH INSURANCE PAYMENT PROCESS FOR ORTHOTIC DEVICES AND PROSTHETIC SERVICES; AND FOR OTHER PURPOSES.

**Senate Bill No. 455** 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. 455** was ordered immediately transmitted to the House as passed.

On motion of Senator Key, the rules were suspended in considering **Senate Bill No. 1115** at this time.

On motion of Senator Key, **Senate Bill No. 1115** was placed back on second reading for purpose of Amendment No. 2.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 2 to SENATE BILL NO. 1115**

Amend **Senate Bill No. 1115** as engrossed, S4/3/13:

Page 3, line 14, delete "5-71-217(e)" and substitute "5-17-217(d)(2)"

(SIGNED) SENATOR JOHNNY KEY

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

(SIGNED) ANN CORNWELL, SECRETARY

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

On motion of Senator Key, **Senate Bill No. 1115** was called up for third reading and final disposition.

**SENATE BILL NO. 1115**  
*As Engrossed: S4/3/13*  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**BY: SENATOR J. KEY**

A Bill for an Act to be Entitled: AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE CONCERNING CYBERBULLYING OF PUBLIC SCHOOL STAFF; AND FOR OTHER PURPOSES.

**Senate Bill No. 1115** 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. 1115** was ordered engrossed.

On motion of Senator Teague, the Senate resolved itself into the Committee of the Whole for the purpose of Joint Budget bill.

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

On motion of Senator Teague, **Senate Bill No. 122** was withdrawn from the Committee on JOINT BUDGET, and placed back on second reading for purpose of Amendment No. 4.

**ARKANSAS SENATE**  
**EIGHTY-NINTH GENERAL ASSEMBLY**  
**REGULAR SESSION**  
**Amendment No. 4 to SENATE BILL NO. 122**

JBC 4/4/13 (3&26)

Amend **Senate Bill No. 122** as engrossed, S4/4/13:

Page 3, line 20, delete "10,750,000" and insert therefor "13,200,000"

AND

Page 3, line 28, delete "2,500,000" and insert therefor "3,500,000"

AND

Page 3, line 32, delete "200,000" and insert therefor "400,000"

AND

Page 3, line 35, delete " 250,000" and insert therefor " 450,000"

AND

Page 3, line 36, delete " \$54,375,000" and insert therefor " \$58,225,000"

AND

Page 22, line 10, delete "and one half"

AND

Page 22, line 11, delete "(2.5%)" and insert therefor "(2%)"

(SIGNED) SENATOR LARRY TEAGUE

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

(SIGNED) ANN CORNWELL, SECRETARY

**Senate Bill No. 122** was ordered engrossed.

Received from the House

**HOUSE BILL NO. 1419**

*As Engrossed: H4/4/13*

**EIGHTY-NINTH GENERAL ASSEMBLY**

**REGULAR SESSION**

**BY: REPRESENTATIVE J. BURRIS**

A Bill for an Act to be Entitled: AN ACT TO REGULATE THE PRACTICES OF HEALTH INSURANCE COMPANIES; TO PROHIBIT THE ACCUMULATION OF EXCESS INCOME, RESERVES, CAPITAL, CAPITAL SURPLUS, OR INVESTMENT SAVINGS IN THE COURSE OF PROVIDING HEALTH INSURANCE; AND FOR OTHER PURPOSES.

**House Bill No. 1419** 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. 1785

*As Engrossed: H3/18/13 H3/26/13 H4/4/13*

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WRIGHT

A Bill for an Act to be Entitled: AN ACT TO PROVIDE DIGITAL LEARNING OPPORTUNITIES IN PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

House Bill No. 1785 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. 2051

*As Engrossed: H4/3/13*

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVE WRIGHT

A Bill for an Act to be Entitled: AN ACT TO CLARIFY THE BANKRUPTCY LIEN AVOIDANCE STATUTES; AND FOR OTHER PURPOSES.

House Bill No. 2051 was read the first time, rules suspended, read the second time and referred to the Committee on TRANSPORTATION, TECHNOLOGY & LEGISLATIVE AFFAIRS.

Received from the House

HOUSE BILL NO. 2121

*As Engrossed: H3/25/13 H3/26/13 H4/4/13*

EIGHTY-NINTH GENERAL ASSEMBLY

REGULAR SESSION

BY: REPRESENTATIVES HAWTHORNE, E. ARMSTRONG, BALTZ, FERGUSON,  
KIZZIA & SCOTT

A Bill for an Act to be Entitled: *AN ACT TO REQUIRE HEALTH BENEFITS PLANS TO PROVIDE FOR CORRECTIVE SURGERY AND TREATMENT FOR CRANIOFACIAL ANOMALY; AND FOR OTHER PURPOSES.*

House Bill No. 2121 was read the first time, rules suspended, read the second time and referred to the Committee on INSURANCE & COMMERCE.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 122, 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) SENATOR BILL SAMPLE, CHAIRMAN

On motion of Senator Teague, Senate Bill No. 122 was ordered re-referred to the Committee on JOINT BUDGET.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

SENATE BILL NO. 653, BY SENATOR JON WOODS,  
SENATE BILL NO. 874 BY SENATOR JASON RAPERT,  
SENATE BILL NO. 916, BY SENATOR JON WOODS,  
SENATE BILL NO. 968, BY SENATOR BRUCE MALOCH,  
SENATE BILL NO. 1036, BY SENATOR KEITH INGRAM,  
SENATE BILL NO. 1122, BY SENATOR DAVID JOHNSON,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 999**, BY SENATOR ALAN CLARK,

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 Clark, **Senate Bill No. 999** was ordered re-referred to the Committee on JUDICIARY.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

**SENATE BILL NO. 1115**, BY SENATOR JOHNNY KEY,

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. 1115** was ordered immediately transmitted to the House.

ARKANSAS SENATE  
EIGHTY-NINTH GENERAL ASSEMBLY  
REGULAR SESSION

April 5, 2013

Mr. President:

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

HOUSE BILL NO. 1350, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1470, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 1492, BY REPRESENTATIVE KIM HAMMER,  
HOUSE BILL NO. 1713, BY REPRESENTATIVE MARSHALL WRIGHT,  
HOUSE BILL NO. 1935, BY REPRESENTATIVE JEFFREY WARDLAW,  
HOUSE BILL NO. 1971, BY REPRESENTATIVE MARK LOWERY,  
HOUSE BILL NO. 1973, BY REPRESENTATIVE DAN DOUGLAS,  
HOUSE BILL NO. 1975, BY REPRESENTATIVE DARRIN WILLIAMS,  
HOUSE BILL NO. 2110, BY REPRESENTATIVE STEPHANIE MALONE,

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

Respectfully submitted,

(SIGNED) SENATOR BILL SAMPLE  
CHAIRMAN

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SENATE BILLS TRANSMITTED TO THE HOUSE  
AS PASSED

SENATE BILL NO. 634  
SENATE BILL NO. 655  
SENATE BILL NO. 824  
SENATE BILL NO. 970  
SENATE BILL NO. 1019  
SENATE BILL NO. 1020  
SENATE BILL NO. 1050  
SENATE BILL NO. 1111  
SENATE BILL NO. 1115

HOUSE BILL RETURNED TO THE HOUSE  
AS PASSED

HOUSE BILL NO. 1489

HOUSE BILLS TRANSMITTED TO THE SENATE  
AS PASSED

HOUSE BILL NO. 1419  
HOUSE BILL NO. 1785  
HOUSE BILL NO. 2051  
HOUSE BILL NO. 2121

On motion of Senator Holland, the Senate adjourned until 10:00 a.m., Saturday, April 6, 2013.

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PRESIDENT OF THE SENATE

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SECRETARY OF THE SENATE