

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 45

"TO RESTRUCTURE VARIOUS STATE AGENCIES INTO TEN (10) DEPARTMENTS. "

Amendment No. 3 to Senate Bill No. 45.

Amend Senate Bill No. 45 as engrossed, S2/3/03:

Page 1, delete line 30, and substitute: "transfer of powers, authorities, duties and functions of the various state agencies to"

AND

Page 2, insert a new subdivision (D) after line 22, as follows:

"(D) The power to issue bonds and other interest bearing obligations."

AND

Page 3, line 19, insert the word "Regular" after "the" and before "salary"

AND

Page 3, delete line 35 and substitute:

"(e) With regard to any board or commission charged with the"

AND

Page 4, delete lines 3 and 4 and substitute: "powers vested in the board or commission."

AND

Page 4, add a new subdivision (i) at the end of Section 2 as follows:

"(i) Separate bodies corporate and politic; cash funds; outstanding obligations. Anything contained in this act to the contrary notwithstanding, the provisions hereof shall not operate to repeal, amend, modify or affect:

(1) The powers heretofore or hereafter established by law applicable to agencies or instrumentalities of the state accorded the



separate status of public bodies corporate and politic with the power, including without limitation, to sue and be sued, to contract and be contracted with, to issue bonds or other evidences of indebtedness secured by such revenues as shall be provided by law, to own or deal in real property, to make loans, and to hold, sell and transfer promissory notes and mortgages, or to conduct business in the manner provided by applicable law prior to the adoption of this act;

(2) The creation, maintenance, preservation, and use of cash funds heretofore or hereafter created and held apart from the state treasury applicable or available to any department, agency or instrumentality, or the power now or hereafter granted by law to pledge such cash funds for the payment of bonds, leases, guaranties, or other evidences of indebtedness of such department, agency or instrumentality; or

(3) The outstanding obligations of such departments agencies or instrumentalities, which obligations shall continue to be enforceable in accordance with the terms thereof, and the legality and enforceability of all such outstanding obligations is hereby affirmed."

AND

Page 5, line 22, insert "Regular" after "the" and before "salary"

AND

Page 6, delete line 2, and substitute:

"(e) With regard to any board or commission charged with the"

AND

Page 6, delete lines 6 and 7 and substitute: "powers vested in the board or commission."

AND

Page 6, add a new subdivision at the end of Section 3 to read as follows:

"(i) Separate bodies corporate and politic; cash funds; outstanding obligations. Anything contained in this act to the contrary notwithstanding, the provisions hereof shall not operate to repeal, amend, modify or affect:

(1) The powers heretofore or hereafter established by law applicable to agencies or instrumentalities of the state accorded the separate status of public bodies corporate and politic with the power, including without limitation, to sue and be sued, to contract and be contracted with, to issue bonds or other evidences of indebtedness secured by such revenues as shall be provided by law, to own or deal in real property, to make loans, and to hold, sell and transfer promissory notes and mortgages, or to conduct business in the manner provided by applicable law prior to the adoption of this act;

(2) The creation, maintenance, preservation, and use of cash funds heretofore or hereafter created and held apart from the state treasury applicable or available to any department, agency or

instrumentality, or the power now or hereafter granted by law to pledge such cash funds for the payment of bonds, leases, guaranties, or other evidences of indebtedness of such department, agency or instrumentality; or

(3) The outstanding obligations of such departments agencies or instrumentalities, which obligations shall continue to be enforceable in accordance with the terms thereof, and the legality and enforceability of all such outstanding obligations is hereby affirmed."

AND

Page 7, delete lines 23, 24, 25, and 26, and substitute "at the pleasure of the Governor."

AND

Page 8, delete lines 5, 6, and 7, and substitute "transfer to the Department of Commerce."

AND

Page 8, delete lines 16 and 17, and substitute: "transfer to the Department of Commerce."

AND

Page 10, delete lines 21 and 22, and substitute: "transfer to the Department of Education."

AND

Page 10, delete subsection "(n)" on lines 26, 27, and 28, and renumber subsequent subsections

AND

Page 10, line 33, delete "and Adult Education"

AND

Page 11, delete lines 26, 27, and 28, and substitute: "this act. Any reference to the Director of the Department of Finance and Administration shall be deemed to refer to the Secretary of the Department of Finance and Administration created by this act."

AND

Page 13, line 18, delete "type 2" and substitute "type 1"

AND

Page 14, line 31, delete "Advisory Board"

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

By: Senator B. Johnson

KLT/MHF - 020420031034

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Secretary