ARKANSAS SENATE

83rd General Assembly - Regular Session, 2001
Amendment Form

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Subtitle of Senate Bill No. 159

"THE UNIFORM ELECTRONIC TRANSACTIONS ACT OF 1999."

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Amendment No. 1 to Senate Bill No. 159.

Amend Senate Bill No. 159 as originally introduced:

Page 1, line 10, delete "OF 1999"

AND

Page 1, line 14, delete "OF 1999"

AND

Page 3, delete line 3 and 4 and substitute:
     "recognized by federal law or formally acknowledged by a State.
     (16)(A) "State agency" means all state departments, boards, and commissions.
          (B) "State agency" does not mean elected constitutional officers and their employees, members of the General Assembly and their staff, and the Supreme Court and the Administrative Office of the Courts.
     (17) "Transaction" means an action or set of actions occurring between"

AND

Page 3, line 14, delete "trusts;" and substitute "trusts; and"

AND

Page 3, line 16, delete "2A;" and substitute "2A."

AND

Page 3, delete lines 17 and 18

AND

Page 11, delete line 20 and substitute:
     "OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.

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(a) Each governmental agency of this"

AND

Page 11, delete line 22 and substitute:
    "retain electronic records and convert written records to electronic
records.
        (b) Each state agency shall comply with applicable standards and
policies adopted or established by the Executive Chief Information Officer, in
collaboration with the Chief Information Officer Council to determine whether
and the extent to which it will retain and convert written records to
electronic records."

AND

Page 11, line 26, delete "(a)" and substitute "(a)(1)"

AND

Page 11, delete line 30 and substitute:
    "rely upon electronic records and electronic signatures.
            (2) For state agencies, the determinations shall be consistent
with applicable standards and policies adopted or established by the Executive
Chief Information Officer, in collaboration with the Chief Information Officer
Council."

AND

Page 12, delete lines 16 and 17 and substitute:
    "SECTION 19. INTEROPERABILITY. With respect to standards adopted
pursuant to section 18 of this act, the Executive Chief Information Officer of
this state may encourage and promote"

Page 12, delete lines 31 through 36 and substitute:
    "SECTION 21. EMERGENCY CLAUSE. It is found and determined by the
General Assembly that modern commerce in this State requires the use of, and
will be facilitated by electronic signatures and electronic transactions, that
presently Arkansas law is preempted by federal law concerning that subject
matter by the Electronic Signatures in Global and National Commerce Act; that
under the federal act the federal preemption may be largely and immediately be
displaced by the enactment of the Uniform Electronic Transactions Act; that
the latter act contains provisions not contained in the current act and the
additional provisions would be of immediate advantage to electronic commerce
in Arkansas; and the latter act has already been adopted in over two-dozen
states, resulting in potential economic advantage to those states over
Arkansas. 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 the date of its approval by the Governor. If
the bill is neither approved nor vetoed by the Governor, it shall become
effective on the expiration of the period of time during which the Governor
may veto the bill. If the bill is vetoed by the Governor and the veto is
overridden, it shall become effective on the date the last house overrides the

<u>veto."</u>

AND

Page 13, delete lines 1 through 15

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Everett
MG/VJF   _____
VJF768   **Secretary**