

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of Senate Bill No. 779

"AN ACT TO ABOLISH THE ABSTRACTERS' BOARD OF EXAMINERS AND TRANSFER
ITS POWERS AND DUTIES TO THE ARKANSAS TITLE INSURANCE AGENTS'
LICENSING BOARD AND TO RECONSTITUTE THE ARKANSAS TITLE INSURANCE
AGENTS' LICENSING BOARD."

Amendment No. 1 to Senate Bill No. 779.

Amend Senate Bill No. 779 as originally introduced:

Page 1, delete lines 11 through 13 and substitute "THE ARKANSAS ABSTRACTERS'
BOARD; AND FOR OTHER"

AND

Page 1, Delete the subtitle in its entirety and substitute:

"TO ABOLISH THE ABSTRACTERS' BOARD OF
EXAMINERS AND TRANSFER ITS POWERS AND
DUTIES TO THE ARKANSAS ABSTRACTERS'
BOARD."

AND

Page 1, lines 29 and 30 and substitute the following:

"transferred to the Arkansas Abstracters' Board by a type 2 transfer under §
25-2-105."

AND

Page 1, delete lines 31 and 32 and substitute the following:

"(b) For the purpose of this section, the Arkansas Abstracters' Board
shall be considered a principal department established by"

AND

Delete SECTION 2 in its entirety

AND



Page 2, delete line 29 and substitute the following:

"SECTION 2. Arkansas Code §§ 17-11-201 - 17-11-204 are repealed."

AND

Page 3, delete line 16 and substitute the following:

~~"attendance of witnesses.~~

~~17-11-203. Duties and powers.~~

~~(a)(1) The Abstracters' Board of Examiners shall keep a register wherein there shall be entered the name of each applicant for registration and certification, with his or her place of business and such other information as may be deemed appropriate, including a notation of the action taken by the board thereon and the date upon which the certificate of registration and certificate of authority are issued.~~

~~(2) The board shall maintain such other records, registers, and files as may be necessary for the proper administration of its duties under this chapter.~~

~~(b) It may adopt rules and regulations as it shall deem necessary for the proper administration of its powers and duties and the carrying out of the purposes of this chapter.~~

~~17-11-204. Disposition of funds — Abstracters' Examining Board Fund.~~

~~(a) All fees and charges collected under this chapter shall be paid by the Abstracters' Board of Examiners within a period of thirty (30) days after their receipt, together with a detailed statement thereof to the Treasurer of State who shall place the fees and charges collected under this chapter to the credit of the Abstracters' Examining Board Fund, which is hereby expressly created.~~

~~(b)(1) All moneys so paid into the State Treasury and credited to the fund, or so much thereof as may be needed, are appropriated to the use of the board under its direction for the payment of all expenses and expenditures incurred under the provisions of this chapter.~~

~~(2) The Auditor of State shall draw warrants against the fund, upon request of the board, for such expenses and expenditures, and the Treasurer of State shall pay the warrants out of the fund.~~

~~(3) No expenditures under this chapter shall be made except out of moneys in the fund."~~

AND

Delete SECTION 4 in its entirety

AND

Delete SECTION 5 in its entirety

AND

Page 4, delete line 24 and substitute the following:

"SECTION 3. Arkansas Code Title 17, Chapter 11 is amended to add an

additional subchapter to read as follows:

17-11-401. Creation – Members.

(a) The Arkansas Abstracters' Board is created.

(b)(1) The board shall consist of five (5) members appointed by the Governor, subject to confirmation by the Senate, for a term of six (6) years.

(2) Two (2) members shall:

(A) Be actively involved in the making of abstracts of real estate titles in this state for a period of at least five (5) years before appointment; and

(B) Serve an initial term of six (6) years;

(3) Two (2) members shall:

(A) Be citizens of this state; and

(B) Serve an initial term of four (4) years; and

(4) One (1) member shall:

(A) Be knowledgeable of the abstract business; and

(B) Serve an initial term of two (2) years.

(c) A vacancy on the board caused by death, resignation, or otherwise shall be filled by appointment of the Governor, subject to confirmation by the Senate.

(d)(1) A member may be appointed to successive terms.

(2) No two (2) members shall be appointed from the same county.

(e)(1) Each member shall serve without compensation.

(2) However, a member may be entitled to receive travel and expense reimbursement in accordance with § 25-16-901 et seq.

17-11-402. Organization and proceedings.

(a) The Arkansas Abstracters' Board shall elect a chair and a secretary-treasurer.

(b) The chair and secretary-treasurer of the board shall have the power to administer oaths.

(c) The board shall have a seal and shall have the power to compel the attendance of witnesses.

17-11-403. Duties and powers.

(a)(1) The Arkansas Abstracters' Board shall keep a register and shall record the following information in the register:

(A) The name and the place of business of each applicant for registration and certification;

(B) A notation of the action taken by the board on each application for registration and each application for certification;

(C) The date upon which each certificate of registration and each certificate of authority are issued; and

(D) Such other information as the board deems appropriate.

(2) The board shall maintain such other records, registers, and files as may be necessary for the proper administration of its duties under this subchapter.

(b) The board may adopt rules for the proper administration of its powers and duties and the carrying out of the purposes of this subchapter.

SECTION 4. Arkansas Code § 17-11-302(a), concerning application to"

AND

Page 4, delete line 31 and substitute the following:

"SECTION 5. Arkansas Code § 17-11-303 is amended to read as follows:"

AND

Page 4, line 35, delete "Arkansas Title Insurance Agents' and Abstracters' Licensing Board" and substitute "~~Examiners~~ Arkansas Abstracters' Board "

AND

Page 5, delete line 2 and substitute the following:

"SECTION 6. Arkansas Code § 17-11-304(a), concerning registered"

AND

Page 5, delete lines 9 and 10 and substitute the following:

"otherwise surrendered to the ~~Abstractor's Board of Examiners~~ Arkansas Abstracters' Board."

AND

Page 5, delete line 12 and substitute the following:

"SECTION 7. Arkansas Code § 17-11-305(a), concerning temporary"

AND

Page 5, delete lines 14 and 15 and substitute the following:

"(a) The ~~Abstracters' Board of Examiners~~ Arkansas Abstracters' Board upon application to it by any person"

AND

Page 5, delete line 22 and substitute the following:

"SECTION 8. Arkansas Code § 17-11-320 is amended to read as follows:

AND

Page 5, delete lines 26 and 27 and substitute the following:

"the person, firm, or corporation by the ~~Abstracters' Board of Examiners~~ Arkansas Abstracters' Board."

AND

Page 5, delete line 29 and substitute the following:

"SECTION 9. Arkansas Code § 17-11-321(a), concerning a certificate of"

AND

Page 5, delete lines 33 and 34 and substitute the following:

"~~Abstracters' Board of Examiners~~ Arkansas Abstracters' Board for a certificate of authority."

AND

Page 5, delete line 36 and substitute the following:

"SECTION 10. Arkansas Code § 17-11-322(b), concerning a certificate of"

AND

Page 6, delete lines 4 and 5 and substitute the following:

"renewal fee in the sum to be set by the ~~Abstracters' Board of Examiners~~
Arkansas Abstracters' Board."

AND

Page 6, delete line 7 and substitute the following:

"SECTION 11. Arkansas Code § 17-11-324(a)(1)(A), concerning a bond,
is"

AND

Page 6, delete lines 10 and 11 and substitute the following:

"applicant shall file with the ~~Abstracters' Board of Examiners~~ Arkansas
Abstracters' Board a bond approved by the"

AND

Page 6, delete line 19 and substitute the following:

"SECTION 12. Arkansas Code § 17-11-340(a), concerning revocation of"

AND

Page 6, delete lines 21 and 22 and substitute the following:

"(a) The ~~Abstracters' Board of Examiners~~ Arkansas Abstracters' Board
is authorized, after a hearing as"

AND

Page 6, delete line 32 and substitute the following:

"SECTION 13. Arkansas Code § 17-11-341(a)(1), concerning verified"

AND

Page 6, delete lines 34 through 36 and substitute the following:

"(a)(1) Upon a verified complaint being filed with the ~~Abstracters'~~
~~Board of Examiners~~ Arkansas Abstracters' Board or upon the board's own motion
filing a complaint charging"

AND

Page 7, delete line 13 and substitute the following:

"SECTION 14. Arkansas Code § 17-11-342 is amended to read as follows:"

AND

Page 7, delete lines 17 and 18 and substitute the following:

"shall deposit with the ~~Abstracters' Board of Examiners~~ Arkansas Abstracters' Board an impression of the seal"

AND

Delete Sections 17 through 38 in their entirety

The Amendment was read _____

By: Representative Dunn
GLG/LEF - 03-28-2007 08:46
GLG240

Chief Clerk