



House Calendar

2024 Regular Session
SIXTH LEGISLATIVE DAY
February 15, 2024

**IN THE LEGISLATURE OF THE STATE OF
ALABAMA**

2024 REGULAR SESSION 2024

HOUSE CALENDAR NO. 2

SIXTH LEGISLATIVE DAY

2/15/2024

REGULAR CALENDAR

By Representatives Blackshear and Whitt (Constitutional Amendment) (With Committee Substitute):

HB151 Proposing an amendment to the Constitution of Alabama of 2022, relating to lotteries, gift enterprises, and gaming activities; to repeal and reenact Section 65 of the Constitution of Alabama of 2022, to authorize certain limited forms of gaming activities; to add a new Section 65.01 to the Constitution of Alabama of 2022, to establish a gaming commission to regulate and license authorized gaming activities, authorize the Legislature to provide for the membership, powers, and duties of the commission, and establish a law enforcement division within the commission to enforce gaming laws and eradicate unlawful gaming activity and unlawful gaming-related activity; to add Section 65.02 to the Constitution of Alabama of 2022, to authorize the Legislature to establish and regulate an official state lottery; to add Section 65.03 to the Constitution of Alabama of 2022, to prohibit certain local amendments to the Constitution of Alabama of 2022, which relate to lotteries, gift enterprises, casino-style games, sports wagering, raffles, or bingo; to add Section 65.04 to the Constitution of Alabama of 2022, to authorize the Governor to enter into a compact with the Poarch Band of Creek Indians for the operation of Class III games on tribal lands; and to repeal Sections 8-7.00, 20-7.00, 28-7.00, 32-7.00, 35-7.00, 37-7.00, 42-7.00, 43A-2.00, 43A-2.01, 44-7.00, 45-7.00, 49-7.00, 51-7.00, 52-7.00, 57-7.00, 64-7.00, and 64A-2.01 of the Constitution of Alabama of 2022, relating to bingo.

Economic Development and Tourism

FISCAL NOTE

HB151 as reported by the Committee on Economic Development and Tourism proposes a constitutional amendment, which if ratified, would prohibit all forms of gaming in the state, with the exception of certain games authorized by the Legislature, by general law, including: (1) a state lottery administered by a public corporation as an instrumentality of the state; (2) casino-style games at no more than seven licensed gaming establishments; (3) sports wagering; (4) traditional raffles; and (5) traditional bingo. This bill establishes a gaming commission within the executive branch with a law enforcement division to police and conduct all gaming activity in the state and eradicate unlawful gaming activity.

This amendment also requires the Governor to negotiate and execute a compact for Class III games and sports wagering with the Poarch Band of Creek Indians. In return for negotiating a compact, the Poarch Band of Creek Indians would be granted one of the seven licenses to conduct and operate casino-style games outside of lands held in trust.

If ratified, this amendment could result in compact, gaming, license fee, and lottery revenues to the state depending on the enabling provisions of this amendment as outlined in House Bill 152 of the 2024 Regular Session.

In addition, this bill will increase the proclamation expenses of the Governor, paid from the State General Fund, by an estimated \$100,000 for the fiscal year ending September 30, 2025.

Representative Andy Whitt, Chair
Economic Development and Tourism

By Representatives Blackshear and Whitt (With Committee Substitute):

HB152 Relating to gaming activities; to establish the Alabama Gaming Control Act; to add Chapter 30 to Title 41, Code of Alabama 1975, to implement the constitutional amendment proposed in House Bill ___ of the 2024 Regular Session, to provide legislative intent; to provide definitions; to establish and provide for the powers, membership, and duties of the Alabama Gaming Commission; to provide for the personnel of the commission; to create an enforcement division within the commission and provide for the duties thereof; to provide for representation of the commission by the Attorney General; to provide for the licensure and regulation of casino-style gaming activities; to provide for the licensure and regulation of sports wagering activities; to provide for the regulation and permitting of certain charitable gaming activities; to provide certain license fees and the distribution of the fees; to establish the Gaming Trust Fund and provide for the distribution of funds therein; to provide for the assessment of civil penalties imposed by the commission; to provide for criminal penalties for certain violations; to provide for a hearing and appeals process; to provide the commission with rulemaking authority; to provide for certain reporting requirements by the commission; to levy a state tax on certain casino-style gaming and sports wagering revenues; to provide various anticorruption prohibitions and a criminal penalty for a violation; to create a state lottery to be administered by the Alabama Lottery Corporation and to provide for the creation and operation of the corporation; to provide for the governance of the corporation by a board of directors and provide for the appointment and duties of the board; to provide for the appointment of a president of the corporation and provide for the powers and duties thereof; to establish the Lottery Proceeds Fund in the State Treasury for the purpose of receiving all monies and other revenues collected by the corporation; to establish the Lottery for Education Fund and provide for the distribution of funds therein through an independent supplemental appropriation bill; to provide the Court of Civil Appeals with original jurisdiction to hear various appeals of actions of the commission; to amend Sections 13A-12-20, 13A-12-21, 13A-12-22, 13A-12-23, 13A-12-24, 13A-12-25, 13A-12-26, 13A-12-27, 13A-12-28, 13A-12-30, Code of Alabama 1975, and Section 13A-11-9, Code of Alabama 1975, as last amended by Act 2023-245, 2023 Regular Session, to update and increase certain criminal penalties for various unlawful gaming activities; to add Sections 13A-12-32 through 13A-12-39 to the Code of Alabama 1975, to prescribe certain activity relating to gaming as unlawful and to provide for criminal penalties for violations; to amend Sections 8-1-150 and 8-1-151, Code of Alabama 1975, to authorize certain contracts based on lawful gaming activity; to amend Section 38-4-14, Code of Alabama 1975, to prohibit the use of public welfare monies to participate in gaming activity; to add Section 17-5-15.2 to the Code of Alabama 1975, to provide restrictions on campaign finance contributions relating to gaming activity; to repeal Section 11-47-111, Code of Alabama 1975, relating to prohibition of gambling houses; to repeal Section 13A-12-29, Code of Alabama 1975, relating to lotteries drawn outside the state; to repeal Divisions 2, 3, and 4 of Article 2 of Chapter 12 of Title 13A, Code of Alabama 1975, relating to suppression of gambling places, transportation of lottery paraphernalia, and the federal wagering occupational tax stamp; to provide for the repeal of the act under certain specified conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Economic Development and Tourism

FISCAL NOTE

HB152 as reported by the Committee on Economic Development and Tourism would implement the provisions of the constitutional amendment proposed by House Bill 151 of the 2024 Regular Session by establishing the 9-member Alabama Gaming Commission as the state agency responsible for regulation of the casino-style gaming and sports wagering. The administrative and other expenses of the Commission would be paid from the Gaming Trust Fund established and funded pursuant to this bill. The Commission members would receive compensation, including per diem and travel allowances, equal to half of that of members of the legislature, at an estimated cost for salaries of \$268,533 annually and at least \$12,015 annually for per diem and travel allowances for quarterly meetings. This bill would require the commission to submit annual reports to the Governor and Legislature, adopt a system of internal audits and audits of licensees, and contract with an external firm to provide an annual financial audit.

This bill provides for the appointment of an executive director by the Commission, whose salary shall be set by the Commission and who may employ personnel, acquire real property, enter into contracts, and provide for general administration of the Commission. Further, this bill also establishes the Gaming Enforcement Division within the Commission to investigate and enforce the laws and rules of the commission and provides for the appointment of the director of the division, whose salary shall be set by the commission and who may employ personnel and employ consultants.

In addition, this bill authorizes the Commission to issue and determine the fee for: (1) a casino-style gaming establishment license at a minimum fee of \$5,000,000 fee for each of a maximum of 7 licensees (one license is reserved for the Poarch Band of Creek Indians dependent on gaming compact); (2) a nonrefundable application and license fee for a gaming services provider license; (3) a nonrefundable application and license fee for a sports wagering license; (4) sports wagering license fees; (5) a nominal temporary sports wagering permit fee, to be collected from an operator of a racetrack whose attendance at the live race is 60,000 or more; and (6) a nominal charitable fundraising permit fee of not more than \$25, to be collected from charitable bingo and raffle operators. These fees would all be deposited in the Gaming Trust Fund and will increase license fees into the Fund from casino-style gaming establishment license fees only by a minimum of \$17.5 million initially and by a minimum of \$1.25 million in each of the following fourteen years. Actual collections will be dependent on the fees set by the commission, the number of applications for licenses and permits, and the number of licenses awarded by the Commission.

This bill levies a 24% tax on net gaming revenues for casino-style gaming. The amount of net gaming revenue is estimated to be between \$315 million and \$492.2 million annually and will be distributed first to the General Fund Budget Reserve Fund until the balance reaches \$300 million. Once complete the proceeds will be deposited as follows:

1. 95% to the Gaming Trust Fund;
2. 3% to counties where gaming establishments are located on a pro rata basis based on their share of net gaming revenues with a minimum of 15% to be distributed to nonprofit organizations in the county; and
3. 2% to municipalities where gaming establishments are located on a pro rata basis based on their share of net gaming revenues.

This bill also levies a 17% tax on net gaming revenues for sports wagering activities. The amount of net gaming revenues is estimated to be between \$15 million and \$41.5 million annually. The proceeds will be deposited as follows:

1. 90% to the Gaming Trust Fund; and
2. 10% to each county commission to be used for law enforcement purposes of the respective sheriff's department.

Once operational, receipts in the Gaming Trust Fund, shall be appropriated by the Legislature in an independent supplemental bill for non-recurring non-education purposes.

This bill further establishes the Alabama Lottery Corporation as an instrumentality of the state, governed by a seven-member board of directors, with powers and duties to include the authority to conduct and administer lottery games. This bill also provides for the duties of the president, which includes employment of additional personnel and general administration of the corporation. This bill further provides that all monies received by the corporation, including lottery proceeds, shall be deposited into the Lottery Proceeds Fund in the State Treasury and will be applied first to the payment of (1) operating expenses of the Corporation; and (2) all prizes. The remaining funds shall be transferred to the Lottery for Education Fund (LEF) in the State Treasury. The amount of net revenue generated from the operation of the lottery to be deposited into the (LEF) is estimated to be between \$305.6 million to \$379.4 million annually. The proceeds in the LEF shall be annually appropriated through an independent supplemental appropriation bill for non-recurring expenses related to education.

This bill would authorize the Department of Examiners of Public Accounts to audit or examine the Alabama Gaming Commission, which could increase administrative obligations of the Department by an undetermined amount dependent upon the number of audits performed.

Finally, this bill allows the commission to assess civil penalties, up to \$100,000 each, for violating provisions of this bill or rules adopted by the commission, which would be deposited into the Gaming Trust Fund. This bill would also establish new crimes and criminal penalties, ranging from \$100 to \$100,000 in fines, related to unlawful lottery activity which could increase receipts to the State General Fund and municipal general funds from fines; increase receipts to the State General Fund, county general funds, municipal general funds, and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, local jails, the district attorneys, the Department of Corrections, the Bureau of Pardons and Paroles, and community corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by this bill and the penalties imposed.

Representative Andy Whitt, Chair
Economic Development and Tourism

By Representative Ellis:

HB139 Relating to the Alabama Sunset Law of 1981; to remove the Department of Insurance from review under the Sunset Law.

Insurance

FISCAL NOTE

HB139 as introduced would not directly affect state or local funding.

Representative Corley Ellis, Chair
Insurance

By Representative Ellis:

HB140 Relating to insurance fraud and the Department of Insurance; to amend Section 27-12A-6 and Section 27-12A-40 of the Code of Alabama 1975, to increase the statute of limitations for prosecutions of insurance fraud after an alleged violation is detected and to further specify that investigators of the department would have the powers vested in law enforcement officers, including the power of arrest and service of process, for any violations of state law discovered during the course of an investigation.

Insurance

FISCAL NOTE

HB140 as introduced would not directly affect state or local funding.

Representative Corley Ellis, Chair
Insurance

By Representative Ellis:

HB141 Relating to motor vehicle insurance; to amend Section 32-7-35, Code of Alabama 1975, to establish the Alabama Automobile Insurance Plan; to provide for the Commissioner of Insurance Department to approve the Alabama Automobile Insurance Plan to equitably apportion the cost of certain high risk motor vehicle liability policies; to authorize the issuance of these policies in the name of the plan; and to provide that no policy issued in the name of the plan shall create liability to the department, or any of its officers or employees, or the state.

Insurance

FISCAL NOTE

HB141 as introduced would not directly affect state or local funding.

Representative Corley Ellis, Chair
Insurance

By Representative Ellis:

HB142 Relating to the Department of Insurance; to amend Sections 27-10-1 and 27-10-2 of the Code of Alabama 1975, relating to unauthorized insurers and exceptions; to amend Sections 27-10-20 through 27-10-26, 27-10-30, and 27-10-31 of the Code of Alabama 1975, relating to surplus line brokers and surplus line insurance; and to repeal Chapter 61 of Title 27, Code of Alabama 1975, providing for membership by this state in the Surplus Lines Insurance Multi-State Compliance Compact Act.

Insurance

FISCAL NOTE

HB142 as introduced would not directly affect state or local funding.

Representative Corley Ellis, Chair
Insurance

By Senator Chambliss:

SB39 Relating to dam safety; to amend Sections 2, 3, and 5 of Act 2023-414, 2023 Regular Session, now appearing as Sections 33-7-71, 33-7-72, and 33-7-74, Code of Alabama 1975, to provide safety procedures for state-owned dams and reservoirs whose owners have elected to be subject to these procedures.

Ports, Waterways & Intermodal Transit

FISCAL NOTE

SB39 as passed the Senate would provide for certain state-owned dams and reservoirs to be inspected by an engineer a minimum of every four years, provided that sufficient funds have been obtained by the participating owner of the state-owned dam or reservoir, either through legislative appropriation or grant funds.

Representative Chip Brown, Chair
Ports, Waterways & Intermodal Transit

By Representative Brown:

HB87 Relating to Airport Authorities; to add Section 4-3-47.1 to the Code of Alabama 1975, to provide that an airport authority is authorized to participate in a corporation, partnership, or joint venture as a general or limited partner, shareholder, or member of any lawful business entity relating to airport operations, land acquisitions, and activities incidental to the operation of the authority.

Ports, Waterways & Intermodal Transit

FISCAL NOTE

HB87 as introduced would authorize an airport authority to make debt and equity for the activities of any business organization of which the authority is a member. This bill will not otherwise affect state or local funding.

Representative Chip Brown, Chair
Ports, Waterways & Intermodal Transit

By Representative Lipscomb:

HB15 Relating to natural resources; to require the Commissioner of the Department of Conservation and Natural Resources to issue a permit for the introduction of black bass into the Coosa River when certain requirements are satisfied.

Ports, Waterways & Intermodal Transit

FISCAL NOTE

HB15 as introduced provides for the Commissioner of the Department of Conservation and Natural Resources (DCNR) to issue bass stocking permits to certain entities under certain conditions. According to DCNR, these permits will be issued at no-cost to such entity.

Representative Chip Brown, Chair
Ports, Waterways & Intermodal Transit

By Representative Pringle:

HB10 Relating to crimes and offenses; to amend Section 13A-6-3, as last amended by Act 2023-387, 2023 Regular Session, Code of Alabama 1975, to further provide for the crime of manslaughter; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB10 as introduced could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, district attorneys, the Bureau of Pardons and Paroles, the Department of Corrections, and community corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by the bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representative Treadaway (With Committee Substitute):

HB81 Relating to pardons; to amend Section 15-22-27.3, Code of Alabama 1975, to provide that an individual convicted of a sex offense involving a child is not eligible to receive a pardon.

Judiciary

FISCAL NOTE

HB81 as reported by the Committee on Judiciary will not directly affect state or local funding.

Representative Jim Hill, Chair
Judiciary

By Representative Givens (With Committee Substitute):

HB42 Relating to crimes and offenses; to amend Section 13A-6-152, Code of Alabama 1975, to further provide for the punishment of certain human trafficking offenses under certain conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB42 as reported by the Committee on Judiciary could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, district attorneys, the Bureau of Pardons and Paroles and the Department of Corrections by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by the bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representatives Hulsey, Lamb, Shirey, DuBose, Rigsby, Lomax, Hammett, Bolton, Gidley, Butler and Underwood (With Committee Substitute):

HB125 Relating to crimes and offenses; to add Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, to the Code of Alabama 1975, to provide that it is unlawful for a member of the clergy to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age, under certain circumstances; to provide for penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB125 as reported by the Committee on Judiciary could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited;

and could increase the obligations of the State General Fund, district attorneys, the Bureau of Pardons and Paroles, the Department of Corrections, and community corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by the bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representative Ensler:

HB75 Relating to crimes and offenses; to amend Section 13A-6-21, Code of Alabama 1975, to add letter carriers to the employees listed in the assault in the second degree statute; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB75 as introduced could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, district attorneys, the Bureau of Pardons and Paroles, the Department of Corrections and community corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by the bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representative Ensler (With Committee Substitute):

HB78 Relating to crimes and offenses; to add Section 13A-10-9.1 to the Code of Alabama 1975, to create the crime of swatting; to provide that it is unlawful for a person to knowingly report, or cause to be reported, false or misleading information in certain circumstances; to establish criminal penalties; to establish jurisdiction for violation; to provide for restitution in certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB78 as reported by the Committee on Judiciary could increase receipts to the State General Fund and municipal general funds from fines; increase receipts to the State General Fund, county general funds, municipal general funds, and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, local jails, the district attorneys, the Department of Corrections, the Board of Pardons and Paroles, and community

corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by this bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representative Brown (With Committee Substitute):

HB21 Relating to consumer privacy; to require genetic testing companies to protect the confidentiality of customers' genetic information; to require customer consent for certain uses by genetic testing companies of genetic information; and to further provide a civil penalty for violations of this act to be enforced by the Attorney General.

Judiciary

FISCAL NOTE

HB21 as reported by the Committee on Judiciary could increase the administrative obligations of the Attorney General for the enforcement of consumer privacy protection of personal data and biological samples provided by this bill; however, these obligations may be offset, in whole or in part, by any attorney fees and costs recovered due to violations of the provisions of this bill and retained by the Attorney General.

Representative Jim Hill, Chair
Judiciary

By Representatives Pettus, Treadaway, Bedsole and Lee:

HB127 Relating to electronic monitoring; to amend Sections 15-22-26.2, 15-22-29, and 15-22-52, Code of Alabama 1975, to make it unlawful for an individual subject to electronic monitoring to knowingly alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

Judiciary

FISCAL NOTE

HB127 as introduced could increase receipts to the State General Fund from fines; increase receipts to the State General Fund, county general funds and other funds to which court costs are deposited; and could increase the obligations of the State General Fund, district attorneys, the Bureau of Pardons and Paroles, the Department of Corrections, and community corrections programs by an undetermined amount dependent upon the number of persons charged with and convicted of the offenses provided by the bill and the penalties imposed.

Representative Jim Hill, Chair
Judiciary

By Representative England:

HB29 Relating to sentencing; to add Section 13A-5-14 to the Code of Alabama 1975, to provide that an individual sentenced pursuant to the habitual felony offender law may be resentenced in certain circumstances; and to provide for the repeal of this section in five years.

Judiciary

FISCAL NOTE

HB29 as introduced could increase the administrative obligations of the Unified Judicial System and district attorneys to conduct reviews, hold hearings, and notify victims for petitions for reduced sentences as provided in this bill.

This bill could also decrease obligations of the Department of Corrections by an undetermined amount dependent on any reductions in sentences for inmates provided by this bill. The provisions of this bill shall be repealed on October 1, 2029.

Representative Jim Hill, Chair
Judiciary

By Representative Hill:

HB62 Relating to retired justices and judges; to amend Sections 12-18-10 and 12-18-61, as last amended by Act 2023-333, 2023 Regular Session, Code of Alabama 1975, to revise the process for when a retired justice or judge may be called to active duty; and allow discretionary funds be used to pay retired judges.

Judiciary

FISCAL NOTE

HB62 as introduced provides further for the appointment of retired circuit and district judges to interim active duty status, without regard to the judicial weighted caseload study, which could increase the obligations of the Administrative Office of Courts, or funds within the discretion of the presiding circuit judge, as provided by this bill by a maximum of \$39,000 annually (\$780 per day of service, up to 50 days per year) for any judge that would otherwise not be appointed under current law.

Representative Jim Hill, Chair
Judiciary

By Representative Gidley:

HB128 Relating to historic preservation; to amend Section 11-68-15, Code of Alabama 1975, and to add Section 11-68-16 to the Code of Alabama 1975; to prohibit a municipal historic preservation commission from designating a place of worship as a historic property or historic district; to define the term "place of worship"; to authorize a place of worship to agree to be designated as a historic property or district; to provide for retroactivity; and to make nonsubstantive, technical revisions to update the existing code language to current style.

Urban and Rural Development

FISCAL NOTE

HB128 as introduced would not directly affect state or local funding.

Representative David Standridge, Chair
Urban and Rural Development

By Representative Stubbs:

HB93 Relating to county commissions; to provide for a limitation of liability regarding the use of public funds under certain conditions.

County and Municipal Government

FISCAL NOTE

HB93 s introduced could reduce the potential obligations of county commissions for reimbursement of litigation costs and damages regarding the use of public funds under certain conditions.

Representative Reed Ingram, Chair
County and Municipal Government

By Representatives Carns, Faulkner and Garrett (With Committee Substitute):

HB121 Relating to county and municipal employees; to prohibit a supervisor from retaliating against a county or municipal employee who reports certain violations.

County and Municipal Government

FISCAL NOTE

HB121 as reported by the Committee on County and Municipal Government would not directly affect state or local funding.

Representative Reed Ingram, Chair
County and Municipal Government

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