

Bill Analysis



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Florida House of Representatives

H. Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore
Committee on Commerce

Samuel P. Bell, III
Chairman
Dexter W. Lehtinen
Vice Chairman

FINAL STAFF SUMMARY

HB <u>117</u> by <u>L. R. Hawkins</u>	Date: <u>June 3, 1983</u>
(as enacted by the Legislature)	
relating to <u>Florida Deceptive</u>	Became Law: <u>June 13, 1983</u>
<u>and Unfair Trade Practices Act</u>	
Committee Consideration:	Ch. <u>83-117</u> , Laws of Florida
<u>House Commerce</u>	
Identical*/Similar Bills:	Effective Date: _____
<u>S 537</u>	<u>Upon becoming a law</u>

I. SUMMARY AND PURPOSE

House Bill 117 amends Florida's "Little FTC Act" to allow the enforcing authority to impose a civil penalty of not more than \$5000 upon anyone who violates that Act. The enforcing authority may recover this penalty in two ways: one, through a suit brought by the authority, and two, upon agreement by the alleged offender.

II. CURRENT LAW AND EFFECT OF CHANGES

A. CURRENT LAW

In 1973, Florida enacted part II of chapter 501, the "Little FTC Act." In it were three main avenues of enforcement. In the first, the Department of Legal Affairs could make an agreement of voluntary compliance with the "violator." In this agreement, the "violator" admits no wrongdoing but nonetheless assures the department that he or she will subsequently comply with the law.

In the second, the cease and desist order, the department could issue a formal order to stop certain prohibited practices and set a hearing. s. 501.208. It is only after this cease and desist order is violated that the department may assess a civil penalty of up to \$5000. Civil penalties cannot be imposed without a cease and desist violation.

Third, the enforcing authority could go into court to enforce the act by seeking a declaratory judgment, injunction or by prosecuting a suit for damages on behalf of a wronged consumer.

Section 501.204(2) makes FTC and federal court interpretations of the FTC Act precedent for Florida's interpretations of unfair methods of competition and unfair or deceptive acts or practices. The phrase "as from time to time amended" was intended to make those decisions precedent in Florida in an ongoing fashion. This is an unconstitutional delegation of power. To be constitutional, the Legislature must leave "nothing to the judgment of the delegate or the appointee of the Legislature." State v. Fowler, 114 So. 435, 437 (Fla. 1927).

However, in interpreting Florida's "Little FTC Act" the court construed the phrase to incorporate only those federal court and FTC decisions made prior to its 1973 enactment. Department of Legal Affairs v. Roger, 329 So. 2d 257, 267 (Fla. 1976). Hence, the effect of the phrase, as construed, is constitutional.

Finally, as it exists now, the statute contains superfluous and erroneous language. "Of this section" in s. 501.204(2) is unnecessary. Further, the term "regulations" is often used but, according to ch. 120, Administrative Procedures Act, it is technically incorrect.

B. EFFECT OF CHANGES

Now, the enforcing authority may impose an additional penalty of no more than \$5000 for any violation of the Act. The fine can be recovered in a law suit or as part of an agreement with the "violator" which ends the enforcing authority's investigation into an alleged unfair or deceptive trade practice.

The civil penalty is an enforcement tool that has been available in the past only after a cease and desist order is issued and violated. With this civil penalty provision, the enforcing authority may avoid the cease and desist requirements and may bring a civil action to recover the penalty.

Also, the phrase "as from time to time amended" is stricken as it is an unconstitutional delegation of power. Facial constitutionality is insured and all federal court and FTC decisions up to April 1, 1983 are incorporated.

Finally, House Bill 117 cleaned up redundant and erroneous language. Hence "of this section" in s. 501.24(2) and "and regulations" in s. 501.205(2) are removed.

III. ECONOMIC IMPACT CONSIDERATIONS

The precise economic impact of this bill is indeterminable. Up to \$5000 may be assessed by the enforcing authority, and the severity of the penalty is dependent on the seriousness of the violation and settlement negotiations.

From January, 1982 to the present, the Department of Legal Affairs conducted approximately 200 investigations. The department estimates that almost all of these violations would have the potential of civil penalty assessment were such a provision in effect.

The funds as collected will go into the General Revenue Fund unallocated.

IV. COMMENTS

Civil penalties are not a unique means to enforce federal or state deceptive and unfair trade practices laws.

Federal

The Federal Trade Commission Act (FTCA) provides that civil penalties may be assessed after an order of the Commission is violated or after any rule of the chapter is violated (15 U.S.C. 45). The former avenue is similar to Florida's little FTC civil penalty collection section. s. 501.208(7), F.S. The latter avenue is what HB 117 seeks to implement.

Other States

California's Attorney General has penalty and enforcement powers similar to those of the United States. Cal. Bus. & Prof. Code, s. 17206. Hence, a civil penalty is recoverable in a civil action as well as for violation of an injunction.

Pennsylvania's code is different from California's but similar to that now in effect in Florida. That is, any person violating an injunction issued under the act forfeits to the Commonwealth not more than \$5000 for each violation. 73 Pa. Cons. Stat. s. 201-8.

Florida - Civil Penalties in General

Civil penalties are administratively assessed by many state agencies. For example, s. 624.4211, Florida Statutes, 1982 Supplement, allows the Department of Insurance to impose an administrative penalty of up to \$20,000 per violation if the department finds a willful violation of the chapter. Similar powers are accorded the Department of Agriculture and Consumer Services for violation of the Florida Citrus Code. Section 601.67, Florida Statutes, 1982 Supplement, allows the department to fine violators up to \$50,000 per infraction.

Finally, it is important to note that the new civil penalty section will still afford an alleged offender procedural due process. The penalty will be recoverable only through a court action or upon an agreement with the alleged violator.

V. LEGISLATIVE HISTORY

A. ENACTED BILL

This bill was approved by the Banking and Commerce Subcommittee on April 12, 1983 and passed the full Commerce Committee with two amendments on April 20, 1983. The first amendment required that before a civil penalty could be assessed it be shown that the violation was made with actual knowledge fairly implied from surrounding circumstances. The second amendment gave the department, or court adjudicating the claim, the option of waiving the civil penalty if the violator has made restitution to the injured consumer.

The bill passed the full House as amended 116-1 on May 9, 1983 (HJ 359).

In the Senate the bill was referred to the Judiciary-Civil Committee as the Senate companion had been. On May 31, 1983, it was withdrawn from that committee, and substituted for the Senate companion measure. That same day, HB 117 passed the full Senate 34-0 (SJ 538).

B. DISPOSITION OF COMPANION

On April 27, 1983 the Senate Judiciary-Civil Committee reported SB 537, the companion measure, favorably with amendments. These were the same amendments as had been passed by the House committee.

When the House bill was withdrawn from committee and substituted for the Senate bill, the latter was laid on the table under the rules.

Prepared by:

Robin S. Hassler
Robin S. Hassler

Staff Director:

Wyatt T. Martin
Wyatt T. Martin

Committee on Commerce
 Date of meeting 4/19/83
 Time 2:00 p.m.
 Place _____

Bill No. HB 117

FINAL ACTION: _____ FAVORABLE
X FAVORABLE WITH 2 AMENDMENTS
 _____ FAVORABLE WITH SUBSTITUTE
 _____ UNFAVORABLE

VOTE:

YEA	MEMBER	NAY
X	Rep. Abrams	
X	Rep. Danson	
X	Rep. Deratany	
X	Rep. Gallagher	
	Rep. Gardner	
	Rep. Gustafson	
X	Rep. Hargrett	
X	Rep. M.E. Hawkins	
X	Rep. Hazouri	
	Rep. Ron Johnson	
X	Rep. Kutun	
X	Rep. Lehtinen	
	Rep. Martinez	
X	Rep. McEwan	
	Rep. Meffert	

YEA	MEMBER	NAY
X	Rep. Ogden	
	Rep. Pajcic	
X	Rep. Silver	
X	Rep. Simon	
	Rep. Thompson	
X	Rep. Upchurch	
X	Rep. Wallace	
	Rep. Williams	
X	Rep. Bell	

Total Yeas 17

Total Nays 0

[Signature]
 Chairman

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COMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.
 (If additional persons, enter on reverse side and check here)

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Bill Analysis



Florida House of Representatives

H. Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore
Committee on Commerce

Samuel P. Bell, III
Chairman

Dexter W. Lehtinen
Vice Chairman

STAFF SUMMARY AND ANALYSIS

HB 117 by L. R. Hawkins DATE: March 4, 1983
relating to Florida Deceptive REVISED: _____
and Unfair Trade Practices Act REVISED: _____
Other Committees of Reference: SENATE BILL: _____
_____ EFFECTIVE DATE: _____
_____ Upon becoming law

I. SUMMARY AND PURPOSE

This bill amends Florida's "Little FTC Act" to allow the enforcing authority to impose a civil penalty of not more than \$5000 upon anyone who violates that Act. The enforcing authority may recover this penalty in two ways: one, through a suit brought by the authority, and two, upon agreement by the alleged offender.

II. CURRENT LAW AND EFFECT OF CHANGES

A. CURRENT LAW

In 1973, Florida enacted part II of chapter 501, the "Little FTC Act." In it are three main avenues of enforcement. In the first, the Department of Legal Affairs makes an agreement of voluntary compliance with the "violator." In this agreement, the "violator" admits no wrongdoing but nonetheless assures the department that he or she will subsequently comply with the law.

In the second, the cease and desist order, the department issues a formal order to stop certain prohibited practices and a hearing is set. s. 501.208. It is only after this cease and desist order is violated that the department may assess a civil penalty of up to \$5000. Civil penalties can not be imposed without a cease and desist violation.

Third, the enforcing authority may go into court to enforce the act by seeking a declaratory judgment, injunction or by prosecuting a suit on behalf of a wronged consumer for damages.

Section 501.204(2) makes FTC and federal court interpretations of the FTC Act precedent for Florida's interpretations of unfair methods of competition and unfair or deceptive acts or practices. Technically, the phrase "as from time to time amended" makes those decisions precedent in Florida

in an ongoing fashion. This is an unconstitutional delegation of power. To be constitutional, the Legislature must leave "nothing to the judgment of the delegate or the appointee of the Legislature." State v. Fowler, 114 So. 435, 437 (Fla. 1927).

However, in interpreting Florida's "Little FTC Act" the court construed the phrase to incorporate only those federal court and FTC decisions made prior to its 1973 enactment. Department of Legal Affairs v. Roger, 329 So. 2d 257, 267 (Fla. 1976). Hence, the effect of the phrase, as construed, is constitutional.

Finally, as it exists now, the statute contains superfluous and erroneous language. "Of this section" in s. 501.204(2) is unnecessary. Further, the term "regulations" is often used but, according to ch. 120, Administrative Procedures Act, it is technically incorrect.

B. EFFECT OF PROPOSED CHANGES

Under the proposed new s. 501.2075, the enforcing authority may impose a penalty of no more than \$5000 for any violation of the act. The fine could be recovered in a law suit or as part of an agreement with the "violator" which ends the enforcing authority's investigation into an alleged unfair or deceptive trade practice.

In essence, the civil penalty is an enforcement tool that has been available in the past only after a cease and desist order is issued and violated. With this civil penalty provision, the enforcing authority may avoid the cease and desist requirements and bring a civil action to recover the penalty.

Also, the phrase "as from time to time amended" is stricken as it is an unconstitutional delegation of power. The proposed amendment ensures facial constitutionality and incorporates all federal court and FTC decisions up to April 1, 1983.

Finally, the proposed bill also cleans up redundant and erroneous language. Hence "of this section" in s. 501.24(2) and "and regulations" in s. 501.205(2) are removed.

III. ECONOMIC IMPACT CONSIDERATIONS

The precise economic impact of this bill is indeterminable. Up to \$5000 may be assessed by the enforcing authority, and the severity of the penalty is dependent on the seriousness of the violation and settlement negotiations.

From January, 1982 to the present, the Department of Legal Affairs conducted approximately 200 investigations. The department estimates that almost all of these violations would have the potential of civil penalty assessment were such a provision in effect.

The funds as collected will go into the General Revenue Fund unallocated.

IV. COMMENTS

Civil penalties are not a unique means to enforce federal or state deceptive and unfair trade practices laws.

Federal

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Other States

California's Attorney General has penalty and enforcement powers similar to those of the United States. Cal. Bus. & Prof. Code, s. 17206. Hence, a civil penalty is recoverable in a civil action as well as for violation of an injunction.

Pennsylvania's code is different from California's but similar to that now in effect in Florida. That is, any person violating an injunction issued under the act forfeits to the Commonwealth not more than \$5000 for each violation. 73 Pa. Cons. Stat. s. 201-8.

Florida - Civil Penalties in General

Civil penalties are administratively assessed by many state agencies. For example, s. 624.4211, Florida Statutes, 1982 Supplement, allows the Department of Insurance to impose an administrative penalty of up to \$20,000 per violation if the department finds a willful violation of the chapter. Similar powers are accorded the Department of Agriculture and Consumer Services for violation of the Florida Citrus Code. Section 601.67, Florida Statutes, 1982 Supplement, allows the department to fine violators up to \$50,000 per infraction.

Finally, it is important to note that the new civil penalty section will still afford an alleged offender procedural due process. The penalty will be recoverable only through a court action or upon an agreement with the alleged violator.

V. AMENDMENTS

Prepared by: Robin Hassler
Robin Hassler

Staff Director: Wyatt T. Martin
Wyatt T. Martin

BILL ACTION RECORD

House of Representatives

Committee on Commerce

Bill No. HB 117

Meeting Time 4/19/83 - 2:00 p.m.

Date received _____

Place 21 HOB

Committee Action: Date Reported _____

Referred to Subcommittee on _____

Subcommittee report:

____ favorable

____ favorable with ____ amendments

____ unfavorable

- ____ Temporarily passed
- ____ Reconsidered
- ____ favorable
- favorable with 2 amendments unan.
- ____ favorable with committee substitute
- ____ unfavorable

Other action: _____

Final vote on bill												
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Abrams, Mike	✓									
		Danson, Thomas	✓									
		Deratany, Tim	✓									
		Gallagher, Tom	✓									
		Gardner, Bud	A									
		Gustafson, Tom	A									
		Hargrett, Jim	✓									
		Hawkins, M.E.	✓									
		Hazouri, Tommy	✓									
		Johnson, Ron	A									
		Kutun, Barry	✓									
		Lehtinen, Dexter	✓									
		Martinez, Elvin	A									
		McEwan, Bruce	✓									
		Meffert, Chris	✓									
		Ogden, Carl	✓									
		Pajcic, Steve	A									
		Silver, Ron	✓									
		Simon, Art	✓									
		Thompson, J. H.	A									
		Upchurch, H. D.	✓									
		Wallace, Peter	✓									
		Williams, Frank	A									
		Bell, Sam, Chmn.	✓									
		TOTALS	17	0								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

BILL ACTION RECORD

House of Representatives

Committee on Commerce

Bill No. HB 117

Meeting Time 4/19/83 - 2:00 p.m.

Date received _____

Place 21 HOB

Committee Action: Date Reported _____

Referred to Subcommittee on _____

- Temporarily passed *am #1*
- Reconsidered *adopt. w/o object.*
- favorable
- favorable with ___ amendments
- favorable with committee substitute
- unfavorable

Subcommittee report:

- favorable
- favorable with ___ amendments
- unfavorable

Other action: _____

Final vote on bill												
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Abrams, Mike										
		Danson, Thomas										
		Deratany, Tim										
		Gallagher, Tom										
		Gardner, Bud										
		Gustafson, Tom										
		Hargrett, Jim										
		Hawkins, M.E.										
		Hazouri, Tommy										
		Johnson, Ron										
		Kutun, Barry										
		Lehtinen, Dexter										
		Martinez, Elvin										
		McEwan, Bruce										
		Meffert, Chris										
		Ogden, Carl										
		Pajcic, Steve										
		Silver, Ron										
		Simon, Art										
		Thompson, J. H.										
		Upchurch, H. D.										
		Wallace, Peter										
		Williams, Frank										
		Bell, Sam, Chmn.										
		TOTALS										
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Committee on Commerce

Bill No. HB 117

Meeting Time 4/19/83 - 2:00 p.m.

Date received _____

Place 21 HOB

Committee Action: Date Reported _____

Referred to Subcommittee on _____

- ___ Temporarily passed *am. #2*
- ___ Reconsidered *adopt. w/o object.*
- ___ favorable
- ___ favorable with ___ amendments
- ___ favorable with committee substitute
- ___ unfavorable

Subcommittee report:

Other action: _____

- ___ favorable
- ___ favorable with ___ amendments
- ___ unfavorable

Final vote on bill													
Yeas	Nays												
		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		TOTALS											
Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Bill Analysis

filed with clerk



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Samuel P. Bell, III
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Dexter W. Lehtinen
Vice Chairman

STAFF SUMMARY AND ANALYSIS

HB 117 by L. R. Hawkins DATE: March 4, 1983
relating to Florida Deceptive REVISED: April 21, 1983
and Unfair Trade Practices Act REVISED: _____
Other Committees of Reference: SENATE BILL: 537
_____ EFFECTIVE DATE: _____
_____ Upon becoming a law

I. SUMMARY AND PURPOSE

This bill amends Florida's "Little FTC Act" to allow the enforcing authority to impose a civil penalty of not more than \$5000 upon anyone who violates that Act. The enforcing authority may recover this penalty in two ways: one, through a suit brought by the authority, and two, upon agreement by the alleged offender.

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V. AMENDMENTS


There are two amendments to HB 117. The first requires that, in order for the \$5000 civil penalty to be assessed, the violation must be made with actual knowledge or knowledge fairly implied from surrounding circumstances.

The second amendment gives the department or the court adjudicating the claim the option of waiving the civil penalty if the violator has made restitution to the injured consumer.

Prepared by:


Robin S. Hassler

Staff Director:


Wyatt T. Martin

EXPLANATION OF SUBCOMMITTEE REPORTS
BANKING AND COMMERCE

HB 117 - LITTLE FTC ACT

THIS IS A BILL THAT HAS BEEN REQUESTED BY THE ATTORNEY GENERAL TO STRENGTHEN HIS ENFORCEMENT POWERS AGAINST DECEPTIVE AND UNFAIR TRADE PRACTICES. THE BILL MAKES A COUPLE OF TECHNICAL CHANGES INCLUDING AN UPDATE OF A CROSS-REFERENCE TO INTERPRETATIONS OF THE FEDERAL TRADE COMMISSION ACT.

THE MAJOR CHANGE IS A NEW CIVIL PENALTY SECTION WHICH WOULD ALLOW THE ATTORNEY GENERAL TO ASSESS A CIVIL PENALTY OF UP TO \$5,000 FOR VIOLATIONS OF THE ACT.

THE SUBCOMMITTEE RECOMMENDS TWO AMENDMENTS:

1. WOULD LIMIT THE CIVIL PENALTY TO WILLFUL VIOLATIONS OF THE ACT.
2. WOULD ALLOW THE DEPARTMENT OF LEGAL AFFAIRS OR A COURT TO WAIVE THE CIVIL PENALTY IF THE VIOLATOR HAS MADE RESTITUTION OR PAID DAMAGES FOR VIOLATION OF THE ACT.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Fradley <i>DF</i></u>	<u>Alberdi <i>fw</i></u>	1. <u>JCI</u>	<u>Fav/2 amend</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Unfair and Deceptive Trade Practices

BILL NO. AND SPONSOR:

SB 537 by Senator Gersten

I. SUMMARY:

A. Present Situation:

The Florida Deceptive and Unfair Trade Practices Act provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful. In construing the statute, due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended. All substantive rules and regulations shall be consistent with the rules, regulations, and decisions of the Federal Trade Commission and the federal courts in interpreting the provisions of s. 5(a)(1) of the Federal Trade Commission Act as from time to time amended.

However, the Supreme Court stated that the act was intended to incorporate only Federal Trade Commission and federal court decisions made prior to the enactment of the act. Otherwise, the act would be unconstitutional. Department of Legal Affairs v. Rogers, 329 So.2d 257, 264 (Fla. 1976).

The Department of Legal Affairs is authorized to issue a cease and desist order if it appears that a person is violating the Florida Deceptive and Unfair Trade Practices Act, and if the order would be in the public interest. Any person who violates a cease and desist order of the department after it has become final and while such order is in effect shall forfeit and pay to the state a civil penalty of not more than \$5,000 for each violation which shall accrue to the state and may be recovered in a civil action brought by the state. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the department, each day of continuance of such failure or neglect shall be deemed a separate offense.

In any civil litigation initiated by the enforcing authority, the court may award to the prevailing party reasonable attorney's fees and costs if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party or if the court finds bad faith on the part of the losing party.

B. Effect of Proposed Changes:

This bill would incorporate all the interpretations of the Federal Trade Commission and the federal courts relating to s. 5(a)(1) of the Federal Trade Commission Act that are in effect on April 1, 1983.

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The bill also provides that any person, firm, corporation, association, or entity, or agent or employee of the foregoing, who engages in any act or practice declared to be unlawful, or who violates any of the rules and regulations of the Department of Legal Affairs promulgated under the act, shall be liable for a civil penalty of not more than \$5,000 for each such violation. This civil penalty may be recovered in any action brought under the act by the enforcing authority, or the enforcing authority may terminate any investigation or action upon agreement by the person, firm, corporation, association, or entity, or agent or employees of the foregoing, to pay a stipulated civil penalty. Civil penalties so collected shall accrue to the state and be deposited into the General Revenue Fund.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those violating the act or any rule or regulation of the Department of Legal Affairs promulgated under the act will be liable for a civil penalty of not more than \$5,000 for each violation.

B. Government:

Any enforcing authority may recover a civil penalty of not more than \$5,000 for each violation of the act or rule or regulation of the department promulgated under the act. The civil penalties collected shall accrue to the state and be deposited into the General Revenue Fund.

III. COMMENTS:

Under the federal act, the FTC may commence a civil action to recover a civil penalty of not more than \$10,000 for each violation against any person who violates any rule under the act with actual knowledge or knowledge fairly implied that such act is unfair or deceptive and is prohibited by such rule. In determining the amount of the civil penalty, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require. The FTC may compromise or settle any action for a civil penalty if such compromise or settlement is accompanied by a public statement of its reasons and is approved by the court.

Similar bill, HB 117, is on the House Calendar.

IV. AMENDMENTS:

#1 by Judiciary-Civil:
Provides standards for determining a violation of a law or rule.

#2 by Judiciary-Civil:
Authorizes the department or court to waive the civil penalty if restitution has been made.

BILL ACTION REPORT

(C3-75: File with Secretary of Senate)

(S) ~~(XX)~~ BILL NO. 537

COMMITTEE ON JUDICIARY-CIVIL

DATE April 27, 1983

Date Reported April 27, 1983

TIME 2:00 - 5:00 p.m.

FINAL ACTION:

PLACE Committee Room "B"

X Favorably with 2 amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

 Favorably with Committee Substitute

 Unfavorably

None

OTHER: Temporarily Passed

 Reconsidered

 Not Considered

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THE VOTE WAS:

FINAL BILL VOTE		SENATORS	Amend. #1: p 2, l 20		Amend. #2: p 2, l 26							
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
X		GERSTEN, Joseph M. "Joe"										
		HAIR, Mattox										
X		JENNE, Kenneth C.										
X		JOHNSTON, Harry A., II										
		LANGLEY, Richard H.										
X		FOX, Roberta										
X		SCOTT, James A.										
5	0	TOTAL	X		X							
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (X) Gersten
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()