

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2617

"AN ACT TO MAKE VARIOUS CORRECTIONS TO THE ARKANSAS CODE OF 1987
ANNOTATED."

Amendment No. 1 to House Bill No. 2617.

Amend House Bill No. 2617 as originally introduced:

Delete Section 17 of the bill and substitute the following:

“SECTION 17. Arkansas Code § 8-6-504 is amended in part to repeal temporary language the effectiveness of which has expired:

8-6-504. Illegal Dump Eradication and Corrective Action Program.

~~(a)(1) Effective July 1, 1997, and annually thereafter, and in accordance with provisions set forth in § 8-6-1001 et seq., the Arkansas Department of Environmental Quality shall ensure that an apportionment not to exceed one million dollars (\$1,000,000) per fiscal year of the Landfill Post-Closure Trust Fund shall be allocated from the moneys deposited in the fund to be utilized by the department to administer and enforce the Illegal Dump Eradication and Corrective Action Program, pursuant to the provisions of this subchapter.~~

~~(2)(A) The program Illegal Dump Eradication and Corrective Action Program shall be administered by the department Arkansas Department of Environmental Quality.~~

~~(B) The moneys earmarked for the program shall be used by the department to fund specific abatement projects or cleanup actions and activities and shall also be used by the department for administrative activities, which shall include, but not be limited to, illegal dumping and dumps education, enforcement actions, and the administration of the program, pursuant to this subchapter.~~

~~(b) The allocation of funding shall be used if the Director of the Arkansas Department of Environmental Quality determines that the illegal dump owner or operator cannot be located or the director determines that an emergency exists necessitating immediate corrective action.~~

~~(c) The allocation of funding shall not be used to compensate third parties for damages to property caused by the contamination for the illegal dumping of solid waste.~~

~~(d) The apportionment authorized by this subsection shall terminate five (5) years from March 31, 1997, and the program shall receive no funds from the fund beyond that date.”~~



AND

After Section 119 of the bill, add the following additional sections:

SECTION 120. Uncodified Section 18 of Act 1022 of 2005 is amended to read as follows:

Section 18. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that for the effective administration of this act and to avoid undue harm to the members and benefit recipients of the Arkansas District Judge Retirement System that this act should become effective ~~on July 1, 2005~~ immediately. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

SECTION 121. Arkansas Code § 5-78-101 is repealed because the subject matter of the statute is more comprehensively covered by § 5-27-227:

~~5-78-101. Possession, purchase, or use of cigarettes or other tobacco products by minor.~~

~~(a) It is unlawful for a person under eighteen (18) years of age, unless acting as an agent of his or her employer within the scope of employment, to possess, purchase, or use any cigarettes or other tobacco products.~~

~~(b) Persons under eighteen (18) years of age may be enlisted to assist an authorized agent or representative of a state or local law enforcement authority, the Arkansas Tobacco Control Board, the Department of Health, or other state governmental agency in testing compliance with laws relating to the prohibition of the sale of tobacco in any form or cigarette papers to minors, provided:~~

~~(1) The testing is conducted under the direction or supervision of an authorized agent or representative of a state or local law enforcement authority, the Arkansas Tobacco Control Board, the Department of Health, or other governmental agency monitoring illegal sales of tobacco to minors; and~~

~~(2) Written parental or legal guardian's consent has been provided after the consenting parent or guardian has received from the testing entity written information about the duties which such persons under eighteen (18) years of age will be asked to perform and the methods and procedures to be employed in carrying out such duties.~~

SECTION 122. Arkansas Code § 23-81-304(d) as added to the section by Acts 2005, No. 506, § 42, is amended to correct a date to be consistent with other dates in the 2005 act as follows:

(d) On and after July ~~1~~ 15, 2006, the minimum values as specified in §§ 23-81-305 - 23-81-308 and 23-81-310 of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in subsections (e) and (f) of this section."

The Amendment was read _____
By: Representative Bond
JDF/CDS - 03-31-2005 09:26 _____
JDF450 Chief Clerk