

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: *Joint Budget Committee***

A Bill

SENATE BILL 507

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 22-5-801, ET SEQ. TO
9 TRANSFER FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION
10 TO THE COMMISSIONER OF STATE LANDS OFFICE THE
11 RESPONSIBILITY AND AUTHORITY FOR ISSUING LEASES FOR
12 NATURAL RESOURCES ON STATE OWNED LANDS; TO APPROPRIATE
13 FUNDS TO THE COMMISSIONER OF STATE LANDS TO IMPLEMENT THIS
14 ACT; AND FOR OTHER PURPOSES."

Subtitle

17 "TRANSFER FROM THE DF&A TO THE COMMISSIONER OF STATE LANDS
18 OFFICE THE AUTHORITY FOR ISSUING LEASES FOR NATURAL
19 RESOURCES ON STATE OWNED LANDS."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code 22-5-801 through 810 is amended to read as
24 follows:

25 "§22-5-801. Leases and permits - Purpose of this section and §§
26 22-5-802 - 22-5-813.

27 It is the purpose and intent of this section and §§ 22-5-802 - 22-5-813
28 to charge the Commissioner of State Lands Office with the authority and
29 responsibility for considering applications for and granting leases and
30 permits for the taking of sand, gravel, oil, natural gas, casinghead gas, coal
31 and other minerals, and timber from the beds and bars of navigable rivers and
32 lakes in this state or from any other lands or interests in lands held in the
33 name of the State of Arkansas or any state agency or institution, excluding
34 tax-forfeited lands and minerals, and to supervise activities on state-owned
35 lands by leaseholders and permittees.

1 §22-5-802. Leases and permits - Exemptions for state agencies.

2 (a) The provisions of this section and §§ 22-5-801 and 22-5-803 -
3 22-5-813 shall not be applicable to the severance, sale, or other disposition
4 of sand, gravel, timber, or minerals salvaged, severed, or removed by a state
5 agency from lands held in the name of or managed by the agency if the sand,
6 gravel, timber, or minerals are salvaged, severed, or removed in the course of
7 managing, developing, and improving the lands by the state agency. This
8 exemption shall not apply to sales for commercial purposes.

9 (b) Any state agency, department, or institution or any county,
10 municipality, or other division of government desiring to sever or take any
11 sand, gravel, timber, or minerals from any lands held in the name of or
12 managed by the state or a state agency or from the beds and bars of rivers in
13 this state, other than lands held in the name of or managed by the agency or
14 division of government so desiring, shall obtain a permit to do so from the
15 Commissioner of State Lands Office but shall not be required to comply with
16 the bid procedures contained in §§ 22-5-801 - 22-5-813 or to pay any fee,
17 royalty, or taxes otherwise required by §§22-5-801 - 22-5-813.

18 (c) The provisions of this section and §§ 22-5-801 and 22-5-803 -
19 22-5-813 relating to the authority to lease and permit lands held in the name
20 of or managed by the Arkansas State Game and Fish Commission shall not be
21 applicable to the lands of that agency. The Arkansas State Game and Fish
22 Commission shall retain control over the procedures for awarding and shall
23 retain the authority over the issuance of leases for the mineral rights and of
24 permits for the rights to produce and sever minerals from lands held in their
25 name or managed by them. Provided, that the Arkansas State Game and Fish
26 Commission shall use the same requirements, procedures, standards, and methods
27 required under §§ 22-5-801 - 22-5-813 for other state agencies to lease
28 mineral rights and to issue permits to produce and sever minerals.

29 §22-5-803. Leases and permits - Penalties.

30 (a) If any person, firm, company, corporation, or association shall
31 remove any sand, gravel, oil, natural gas, casinghead gas, coal or other
32 minerals, or any timber from the beds or bars of navigable rivers and lakes in
33 this state or from any other lands or interest in lands held in the name of
34 the State of Arkansas without first obtaining a lease or permit to do so from
35 the Commissioner of State Lands Office, that person, firm, company, or

1 corporation shall be deemed guilty of a misdemeanor and upon conviction shall
2 be punished by a fine of not less than three hundred dollars (\$300) and not
3 more than one thousand dollars (\$1,000). Each day of unauthorized taking shall
4 constitute a separate offense.

5 (b) In addition to the fine mentioned in subsection (a) of this
6 section, the State of Arkansas may bring suit in the name of the state to
7 recover the value of the sand, gravel, oil, natural gas, casinghead gas, coal,
8 or other minerals or timber which has been illegally removed, as well as all
9 severance taxes and royalties due as a result of the removal.

10 §22-5-804. Leases and permits - Natural Resources Committee - Arkansas
11 State Game and Fish Commission.

12 (a) The Natural Resources Committee created by this section shall be
13 composed of the Director of the Department of Finance and Administration or
14 his designee, the Director of the Oil and Gas Commission, the State Geologist,
15 the State Forester, the Director of the Arkansas Soil and Water Conservation
16 Commission, the Commissioner of State Lands, the Director of the Arkansas
17 State Game and Fish Commission, the Director of the Department of Parks and
18 Tourism or his designee, the Director of the Arkansas Department of Pollution
19 Control and Ecology, and the Director of the Arkansas Natural Heritage
20 Commission.

21 (b) The chairman of the committee shall be the Commissioner of State
22 Lands.

23 (c) The committee shall establish a schedule of minimum fees and
24 royalties, as well as the terms and conditions for various types of permits
25 and leases. No permit or lease shall be granted for less than the minimums
26 prescribed in the schedule.

27 (d) The committee shall have the authority to change the schedule of
28 minimum fees and royalties and the terms of permits and leases.

29 (e) The Arkansas State Game and Fish Commission shall have the
30 authority, for all lands held in the name of and managed by their agency:

31 (1) To establish a schedule of minimum fees and royalties, as
32 well as the terms and conditions for various types of permits and leases for
33 Arkansas State Game and Fish Commission lands;

34 (2) To take bids on and to award the leases and permits to
35 produce or sever minerals from those lands and to set up application

1 procedures and fees for those leases and permits;

2 (3) To set the length of time for leases or permits to expire and
3 the terms and conditions for their transfer or renewal;

4 (4) To set the minimum fees and royalties for leases and permits
5 and to insure that severance taxes on minerals from such leases or permits are
6 paid to the proper agencies; and

7 (5) Shall have such other duties, responsibilities, and authority
8 required for the issuance of mineral leases and permits under §§ 22-5-801 -
9 22-5-812 for other state lands.

10 §22-5-805. Leases and permits - Requirements - Application - Terms.

11 (a) No person, firm, company, corporation, or association shall take
12 any sand, gravel, oil, natural gas, casinghead gas, coal or other minerals, or
13 sever any timber, from the beds or bars of navigable rivers and lakes in this
14 state or from any other lands or interest in lands held in the name of the
15 State of Arkansas or any agency, department, or institution of the state,
16 excluding tax-forfeited lands and minerals, unless that person shall have
17 first procured a lease or permit to do so from the Commissioner of State Lands
18 Office.

19 (b)(1) Any person, firm, company, corporation, or association desiring
20 to take sand, gravel, oil, natural gas, casinghead gas, coal or other
21 minerals, or to sever any timber, from state-owned lands shall make
22 application for a lease or permit to do so to the Commissioner of State Lands
23 Office.

24 (2) Each application shall be on forms prescribed by the
25 Commissioner of State Lands Office and shall contain such information as shall
26 be prescribed by the Commissioner regarding the applicant and the business of
27 the applicant, the sand, gravel, minerals, or timber proposed to be removed
28 from the lands under the lease or permit, and such other information as the
29 Commissioner shall deem necessary and appropriate to properly protect the
30 interest of the state and to assure that the leaseholder will in good faith
31 carry out all his responsibilities under the lease or permit.

32 (c)(1) Every lease or permit issued under the provisions of this
33 section and §§ 22-5-801 - 22-5-804 and 22-5-806 - 22-5-813 shall define the
34 limit of the area from which the lessee or permittee shall be permitted the
35 exclusive right to take the sand, gravel, minerals, or timber designated in

1 the lease or permit.

2 (2) Each lease or permit issued by the Commissioner under the
3 provisions of this section and §§ 22-5-801 - 22-5-804 and 22-5-806 - 22-5-813
4 shall be for a specific term as may be determined by the Commissioner of State
5 Lands; shall require that reasonable commercial production of the sand,
6 gravel, mineral, or timber covered by the lease or permit shall commence
7 within a specified period of time as determined by the Commissioner; and shall
8 provide that the lease or permit shall automatically terminate unless
9 commercial production is commenced within the time prescribed unless the time
10 is extended by the Commissioner upon a showing that expenses have been
11 incurred and actual operations are in the process of completion for the
12 commercial production of the oil, natural gas, casinghead gas, sand, gravel,
13 coal or other minerals, or the severance of timber under the lease or permit.

14 (d) Once reasonable commercial production is commenced under any lease
15 or permit issued under this section and §§ 22-5-801 - 22-5-804 and 22-5-806 -
16 22-5-813, the lease or permit shall automatically terminate if commercial
17 production is discontinued for a period of six (6) months or such other period
18 as may be prescribed in the lease.

19 § 22-5-806. Leases and permits - Offer to pay minimums - Notice - Award.

20 (a) Any person applying for a lease or permit under the provisions of
21 this section and §§ 22-5-801 - 22-5-805 and 22-5-807 - 22-5-813 shall offer in
22 the application to pay at least the minimums prescribed in the schedule for
23 the lease or permit.

24 (b)(1) Upon receipt of an application for a lease or permit, the
25 Commissioner of State Lands Office shall determine whether issuing a permit or
26 lease would be in the best interests of the State of Arkansas. If so, the
27 Commissioner, within ten (10) days after that determination, shall cause to be
28 published in a newspaper of general circulation in this state for no fewer
29 than three (3) consecutive days, and in a newspaper of general circulation in
30 the county or counties in which the property is located for not less than one
31 (1) day, a notice that an application has been filed.

32 (2) The notice shall contain a description of the permit or lease
33 sought, the minimum fee or royalty, and the terms and conditions prescribed
34 for the permit or lease and shall state that persons may bid on the lease or
35 permit by filing a sealed bid in writing with the Commissioner of State Lands

1 Office within the time specified in the publication.

2 (3) All bids shall be submitted not less than twenty (20) days
3 from the last day of publication.

4 (c)(1) If no other bids for the lease or permit are filed with the
5 Commissioner within the specified time period, the lease or permit may be
6 awarded to the person applying therefor.

7 (2) If other bids are received, the lease or permit may be
8 awarded to the highest bidder, but if two (2) or more bids are, in the
9 judgment of the Commissioner, reasonably close, the Commissioner may require
10 an open auction between the high bidders.

11 (3) After the bidding process is completed, the Commissioner,
12 with the recommendations of the Natural Resources Committee, may reject all
13 offers considered unreasonable or may establish terms considered reasonable
14 and in the best interest of the state which the highest bidder may accept,
15 without further advertising by the state.

16 §22-5-807. Leases and permits - Notice to, and recommendations from,
17 interested agencies.

18 (a) When an application for a lease or permit is filed with the
19 Commissioner of State Lands for the taking or production of any sand, gravel,
20 oil, natural gas, casinghead gas, coal or other minerals, or the severance of
21 any timber, from state-owned lands, the Commissioner shall so notify the
22 Geological Commission, the Arkansas Soil and Water Conservation Commission,
23 the Oil and Gas Commission, the Arkansas State Game and Fish Commission, the
24 Department of Parks and Tourism, the Arkansas Department of Pollution Control
25 and Ecology, the Arkansas Forestry Commission, and any other appropriate state
26 agency which has or may have a particular interest in the area proposed to be
27 covered by the lease or permit.

28 (b) Any interested agency shall have an opportunity to investigate the
29 proposed production or taking of sand, gravel, or minerals or the severance of
30 timber under the lease or permit and to report its findings and
31 recommendations to the Commissioner of State Lands Office, including any
32 recommendations for conditions or limitations to be imposed on the lessee or
33 permittee with respect to the production of sand, gravel, minerals, or the
34 severance of timber under the lease or permit, within the time specified in
35 the notice.

1 (c) The Commissioner of State Lands may deny an application or may
2 grant a permit or lease subject to such conditions and requirements as he
3 deems appropriate to properly protect the interests of the State of Arkansas.

4 (d) No permit or lease shall be granted on interests held in the name
5 of or managed by a state agency or institution without the written consent of
6 the agency or institution.

7 (e) The issuance of a permit or lease shall not be unreasonably delayed
8 or denied without justifiable cause.

9 §22-5-808. Leases and permits - Records - Fees - Disposition of funds.

10 (a) The Commissioner of State Lands Office shall maintain a permanent
11 record of all leases and permits issued under this section and §§ 22-5-801 -
12 22-5-807 and 22-5-809 - 22-5-813.

13 (b)(1) The person, firm, company, corporation, or association making
14 application or filing a competitive bid for a lease or permit with the State
15 of Arkansas shall pay a fee to cover the cost of processing its application.

16 (2) The amount of the fee shall be set by the Commissioner of
17 State Lands and shall be deposited in the State Treasury as cash funds and
18 credited to the Severed Resources Fund.

19 (c)(1) The funds shall be used to pay for the advertising, processing,
20 and recording of applications received.

21 (2) Fund balances in the Severed Resources Fund in excess of five
22 thousand dollars (\$5,000) on June 30 of each year shall be transferred and
23 credited to the General Revenue Allotment Fund no later than August 15
24 following.

25 §22-5-809. Leases and permits - Monthly statements - Payment of
26 severance tax.

27 (a)(1) Every person obtaining a lease or permit under this section and
28 §§ 22-5-801 - 22-5-808 and 22-5-810 - 22-5-813 shall keep an accurate record
29 and account of all sand, gravel, oil, natural gas, casinghead gas, coal, and
30 other minerals taken and all timber severed from the land covered by the lease
31 or permit and shall file with the Revenue Division of the Department of
32 Finance and Administration monthly an itemized verified statement of the total
33 conventional weight or volume of any and all minerals and timber taken under
34 the lease or permit during the preceding month. These reports shall be made on
35 forms prescribed by the Revenue Division of the Arkansas Department of Finance

1 and Administration.

2 (2) Every person obtaining a lease or permit under this section
3 and §§ 22-5-801 - 22-5-808 and 22-5-810 - 22-5-813 shall keep an accurate
4 record and account of all sand, gravel, oil, natural gas, casinghead gas,
5 coal, and other minerals taken and all timber severed from the land covered by
6 the lease or permit and shall file with the Commissioner of State Lands Office
7 monthly an itemized verified statement of the total number of tons of sand and
8 gravel, barrels of oil, thousands of cubic feet of natural gas and casinghead
9 gas, tons of coal, and the conventional weight or volume of any and all other
10 minerals and timber taken under the lease or permit during the preceding
11 month. These reports shall be made on forms prescribed by the Commissioner.

12 (b)(1) At the time of filing the reports, the lessee or permittee shall
13 pay the severance tax to the Department of Finance & Administration in the
14 same manner and at the same rate as all other severance taxes collected by the
15 Revenue Division of the Department of Finance and Administration.

16 (2) The lessee or permittee shall also pay monthly to the
17 Commissioner of State Lands Office royalties on the amount of actual
18 consideration for the sand, gravel, minerals, or timber taken or severed from
19 the state-owned lands under the conditions of the lease or permit issued by
20 the Commissioner of State Lands.

21 (3) The Commissioner of State Lands shall further be authorized
22 to require the posting of a corporate surety bond by any lessee or permittee
23 to guarantee the payment of the taxes, royalties, and consideration.

24 (c)(1) Except for application and bid fees, all funds received by the
25 Commissioner of State Lands Office as fees, compensation, or royalties for
26 leases or permits issued for the taking of any sand, gravel, minerals, or
27 timber for lands owned or held in the name of a state agency or institution
28 shall be special revenues and shall be deposited in the State Treasury and
29 credited to the fund or account from which the agency or institution receives
30 its support.

31 (2) Except for application and bid fees, all funds received by
32 the Commissioner of State Lands for leases or permits for the taking of any
33 sand, gravel, minerals, or timber from all other state-owned lands shall be
34 deposited in the State Treasury as general revenues.

35 (3) All funds received by the Arkansas State Game and Fish

1 Commission as fees, compensation, or royalties, including any application or
2 bid fees, for leases or permits issued for the taking of any minerals for
3 lands held in the name of the Arkansas State Game and Fish Commission shall be
4 special revenues and shall be deposited in the State Treasury and credited to
5 the Game Protection Fund for the use of the commission.

6 §22-5-810. Leases and permits - Liability - Transferability - Renewal.

7 (a) Each person, firm, company, corporation, association, or other
8 business entity holding a lease or permit for the taking or production of any
9 sand, gravel, timber, minerals, or other natural resources shall be absolutely
10 liable for all severance taxes, royalties, and actual consideration for all
11 the sand, gravel, or minerals produced or timber severed under the lease or
12 permit regardless of whether the lessee or permittee is actually producing or
13 severing the minerals or timber from the land.

14 (b)(1) All leases issued under the authority of this section and §§
15 22-5-801 - 22-5-809 and 22-5-811 - 22-5-813 shall be transferable only with
16 the approval of the Commissioner of State Lands.

17 (2) Any lease transferred in violation of subdivision (b)(1) of
18 this section shall be subject to cancellation by the Commissioner.

19 (3) All permits issued under the authority of this section and §§
20 22-5-801 - 22-5-809 and 22-5-811 - 22-5-813 shall not be transferable.

21 (c) Upon the expiration of any lease or permit issued under the
22 authority of this section and §§ 22-5-801 - 22-5-809 and 22-5-811 - 22-5-813,
23 the lease or permit shall not be renewed or reissued."
24

25 SECTION 2. Arkansas Code 22-5-812, 813, and 814 is amended to read as
26 follows:

27 "§22-5-812. Leases and permits - Rules and regulations.

28 (a) The Commissioner shall promulgate any rules and regulations which
29 may be deemed necessary to carry out the provisions of this section and §§
30 22-5-801 - 22-5-811 and 22-5-813.

31 (b) The Commissioner shall include in the rules and regulations all
32 grounds and conditions for the revocation or termination of any lease or
33 permit issued under this section and §§ 22-5-801 - 22-5-811 and 22-5-813 and
34 shall provide for reasonable notice to the lessee or permittee of an
35 opportunity to be heard prior to terminating or revoking any lease or permit.

1 (c) The Arkansas State Game and Fish Commission shall promulgate rules
2 and regulations necessary to lease mineral rights and to issue permits to
3 produce and sever minerals on Arkansas State Game and Fish Commission lands in
4 conformity with the requirements, procedures, standards, and methods as
5 provided in §§ 22-5-801 - 22-5-813.

6 (d) All rules and regulations currently in effect shall inure to the
7 Commissioner of State Lands for the implementation of this act.

8 §22-5-813. Leases and permits - Compliance with this section and §§
9 22-5-801 - 22-5-812.

10 The Commissioner of State Lands Office may conduct a continuing check of
11 the operations by lessees or permittees to assure that each lessee or
12 permittee is meeting all the requirements and complying with the conditions of
13 the lease or permit and the provisions of this section and §§ 22-5-801 -
14 22-5-812.

15 §22-5-814. Removal of sand or gravel from navigable waters.

16 (a) Sand and gravel may be removed from the beds or bars of any
17 navigable river or lake by the State Highway and Transportation Department,
18 any county or road district, or any federal agency to be used for road
19 building or maintenance, without paying the State of Arkansas any amount
20 whatsoever.

21 (b) All persons, firms, or corporations taking or removing sand or
22 gravel from the beds or bars of any navigable river or lake within the State
23 of Arkansas and selling the sand or gravel for commercial gain to the State
24 Highway and Transportation Department, to any county or road district, or to
25 any federal agency for the purpose of road construction or maintenance and all
26 highway contractors who remove sand or gravel from the beds or bars of any
27 navigable river or lake within the State of Arkansas for the purpose of road
28 building or maintenance shall be required to pay to the State of Arkansas the
29 customary royalties as provided by law.

30 (c) Any person, firm, or corporation taking or removing sand or gravel
31 from the beds or bars of any navigable river or lake within the State of
32 Arkansas, to be used in road building, shall keep a detailed account of all
33 gravel or sand so removed.

34 (d) A copy of the account shall be filed with the Commissioner of
35 State Lands, a copy with the county judge of the county where the sand or

1 gravel is taken and removed, and a copy shall be retained by the person
2 removing the sand or gravel."

3

4 SECTION 3. REGULAR SALARIES . There is hereby established for the
5 Land Department-Natural Resources Leasing and Permit Program for the 1993-95
6 biennium, the following maximum number of regular employees whose salaries
7 shall be governed by the provisions of the Uniform Classification and
8 Compensation Act (Arkansas Code §§ 21-5-201 et seq.), or its successor, and
9 all laws amendatory thereto. Provided, however, that any position to which a
10 specific maximum annual salary is set out herein in dollars, shall be exempt
11 from the provisions of said Uniform Classification and Compensation Act. All
12 persons occupying positions authorized herein are hereby governed by the
13 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
14 Code §21-5-101), or its successor.

				Maximum Annual		
				Maximum	Salary Rate	
				No. of	Fiscal Years	
Item	Class			Employees	1993-94	1994-95
18 No.	Code	Title				
19 (1)		Mineral Leasing Officer		1	\$ 44,278	\$ 45,827
20 (2)		Secretary		1	18,002	18,632
21 MAX NO. OF EMPLOYEES				2		

22

23 SECTION 4. APPROPRIATIONS - OPERATIONS. There is hereby appropriated,
24 to the Land Department to be payable from the State Central Services Fund, for
25 personal services and operating expenses of the Land Department-Natural
26 Resources Leasing and Permit Program for the biennial period ending June 30,
27 1995, the following:

28

ITEM				FISCAL YEARS	
NO.				1993-94	1994-95
31 (01)	REGULAR SALARIES			\$ 62,280	\$ 64,459
32 (02)	PERSONAL SERVICES MATCHING			15,552	15,937
33 (03)	MAINT. & GEN. OPERATION				
34	(A)	OPER. EXPENSES	\$ 6,000	\$ 6,000	
35	(B)	CONF. & TRAVEL	0	0	

1	(C) PROF. FEES	0	0
2	(D) CAPITAL OUTLAY	0	0
3	(E) DATA PROCESSING	0	0
4	TOTAL MAINT. & GEN. OPER.		6,000 6,000
5	TOTAL AMOUNT APPROPRIATED		<u>\$83,832</u> <u>\$86,396</u>

6

7 SECTION 5. APPROPRIATIONS - NATURAL RESOURCES LEASING AND PERMIT

8 PROGRAM. There is hereby appropriated, to the Land Department, to be payable

9 from the Severed Resources Fund, for operating expenses of the Land

10 Department-Natural Resources Leasing and Permit Program for the biennial

11 period ending June 30, 1995, the following:

12 ITEM	FISCAL YEARS	
13 NO.	1993-94	1994-95
14 (01) MAINT. & GEN. OPERATION		
15 (A) OPER. EXPENSES	\$15,540	\$15,540
16 (B) CONF. & TRAVEL	0	0
17 (C) PROF. FEES	0	0
18 (D) CAPITAL OUTLAY	0	0
19 (E) DATA PROCESSING	0	0
20 TOTAL MAINT. & GEN. OPER.	15,540	15,540
21 TOTAL AMOUNT APPROPRIATED	<u>\$15,540</u>	<u>\$15,540</u>

22

23 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

24 authorized by this Act shall be limited to the appropriation for such agency

25 and funds made available by law for the support of such appropriations; and

26 the restrictions of the State Purchasing Law, the General Accounting and

27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

28 Procedures and Restrictions Act, or their successors, and other fiscal control

29 laws of this State, where applicable, and regulations promulgated by the

30 Department of Finance and Administration, as authorized by law, shall be

31 strictly complied with in disbursement of said funds.

32

33 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General

34 Assembly that any funds disbursed under the authority of the appropriations

35 contained in this Act shall be in compliance with the stated reasons for which

1 this Act was adopted, as evidenced by the Agency Requests, Executive
2 Recommendations and Legislative Recommendations contained in the budget
3 manuals prepared by the Department of Finance and Administration, letters, or
4 summarized oral testimony in the official minutes of the Arkansas Legislative
5 Council or Joint Budget Committee which relate to its passage and adoption.

6

7 SECTION 8. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

10

11 SECTION 9. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16

17 SECTION 10. All laws and parts of laws in conflict with this act are
18 hereby repealed.

19

20 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
21 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas
22 prohibits the appropriation of funds for more than a two (2) year period; that
23 the effectiveness of this Act on July 1, 1993 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the Regular Session, the delay in the effective
26 date of this Act beyond July 1, 1993 could work irreparable harm upon the
27 proper administration and provision of essential governmental programs.
28 Therefore, an emergency is hereby declared to exist and this Act being
29 necessary for the immediate preservation of the public peace, health and
30 safety shall be in full force and effect from and after July 1, 1993.

31

/s/ Senator Russ

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