

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2169

4
5 By: Representatives Beatty, Thicksten

For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS REVENUE STABILIZATION LAW;
10 AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND THE ARKANSAS REVENUE
14 STABILIZATION LAW."

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

18 SECTION 1. Arkansas Code 19-5-205 (e)(1)(B)(i) is hereby amended to
19 read as follows to reflect current special revenue sources of income to the
20 State Central Services Fund:

22 "(i) Those special revenues as specified in subdivisions (9), (11), (19),
23 (21), (75), (76), (77), (78), (79), (82), (83), (84), (85), (86), (87), (88),
24 (89), (96), ~~(112)~~, (116), (118), (124), ~~(131)~~, (149), (188) and ten percent
25 (10%) of those special revenues as set out in subdivision (20) of ~~§~~ 19-6-301
26 of the Revenue Classification Law of Arkansas, ~~§~~ 19-6-101 et seq.;~~§~~

28 SECTION 2. Arkansas Code 19-5-205(e)(1)(B) is hereby amended by adding
29 the following new subdivision to reflect current sources of income to the
30 State Central Services Fund:

32 "(xiii) Monies transferred or deposited from the State Administration of
33 Justice Fund for the benefit of the Public Defender Commission."

35 SECTION 3. Arkansas Code 19-5-206(b) is hereby amended to read as
36 follows:

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"(b) Each state agency, whose annual income or revenue as reflected by the previous fiscal year's audit exceeds twenty-five thousand dollars (\$25,000), shall remit by check on the first day of each calendar quarter to the Treasurer of State an amount equal to one and one-half percent (1 1/2%) of the total expenditures of the previous calendar quarter from those cash funds as defined under § 19-4-801, excluding funds received from the federal government or those held in trust by the state agency or those funds of the various state retirement systems. In the event that a State agency elects to deposit its cash funds into the State Treasury under the provisions of § 19-4-503, then the amount required under this section shall be transferred from the State agency's treasury fund to the State Central Services Fund.

SECTION 4. Arkansas Code 19-5-302(8)(B)(iii) is hereby amended to read as follows to reflect current special revenue sources of income to the Department of Labor Fund Account:

"(iii) Those special revenues as set out in subdivisions (25), (112), (158), and (180) of § 19-6-301 of the Revenue Classification Law, § 19-6-101 et seq.;"

SECTION 5. Arkansas Code 19-5-302(9)(B) is hereby amended to read as follows to reflect current sources of income to the Livestock and Poultry Fund Account:

"(B) The fund account shall consist of:
 (i) Those general revenues as may be provided by law; and
~~—— (ii) The portion of those special revenues as set out in subdivisions (33) and (34) of § 19-6-301 which are not required for support of the Arkansas Livestock and Poultry Commission Poultry and Egg Grading Programs; and~~
(iii)-(ii) Any other funds provided by law.

SECTION 6. Arkansas Code 19-5-303(q)(1) is hereby amended to read as follows:

1 "(q)(1) ~~Phillips County~~ Community College of the University of Arkansas Fund.
 2 There is established on the books of the Treasurer of State, Auditor of State,
 3 and the Chief Fiscal Officer of the State a fund to be known as the Phillips
 4 ~~County~~ Community College of the University of Arkansas Fund. This fund shall
 5 be used for the maintenance, operation, and improvement of the Phillips ~~County~~
 6 Community College of the University of Arkansas, including the Stuttgart and
 7 Dewitt Campuses."

8
 9 SECTION 7. Arkansas Code 19-5-303 is hereby amended to add a new
 10 subsection at the end thereof to read as follows:

11
 12 "(w) There is hereby established on the books of the Treasurer of State,
 13 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 14 the University of Arkansas Community College at Hope Fund, there to be used
 15 for the maintenance, operation, and improvement of the University of Arkansas
 16 Community College at Hope. The fund shall consist of:
 17 (1) Such general revenues as may be provided by law; and
 18 (2) Any other funds made available for the support of the University of
 19 Arkansas Community College at Hope which are required to be deposited into the
 20 State Treasury by law."

21
 22 SECTION 8. Arkansas Code 19-5-305 (b) is hereby amended to read as
 23 follows to reflect current sources of income to the Public School Fund:

24 "(b) The fund shall consist of those general revenues as may be provided by:
 25 (1) The Revenue Stabilization Law, § 19-5-101 et seq.;
 26 (2) Balances of the Public School Fund Account-Grants and Aid Account and
 27 Vocational Grants-in-Aid Account remaining on June 30, 1973;
 28 (3) Any federal mineral leasing funds, federal forest reserve funds,
 29 federal flood control funds, or any other similar turnback funds in the State
 30 Treasury for which the eligible county or school district cannot be
 31 identified; ~~and~~
 32 (4) Fines collected pursuant to § 6-21-410 under the Free Textbook Act;
 33 and
 34 ~~—(4)—~~(5) Such other funds as may be authorized by law. ✕

35

1 SECTION 9. Arkansas Code 19-5-307(b) is hereby amended to read as
 2 follows to reflect current sources of income to the Public Health Fund:

3 ~~§~~(b) The fund shall consist of:

4 (1) Those special revenues as set out in subdivisions (65), (66), (68),
 5 (69), (97), (131), (133), (136), (137), (139), (140), (141), (142), (143),
 6 (144), (147), (155), (166), (177), and that portion of subdivision (58)~~—~~
 7 ~~sixteen and seven-tenths percent (16.7%) of subdivision (115), and fifty~~
 8 ~~percent (50%) of subdivision (129) of § 19-6-301 of the Revenue Classification~~
 9 Law, § 19-6-101 et seq.;

10 (2) General revenues as may be provided by law;

11 (3) Nonrevenue income derived from services provided by the various
 12 divisions of the Department of Health;

13 (4) Federal reimbursement received on account of eligible expenditures by
 14 the various divisions of the Department of Health;

15 (5) Other funds as may be provided by law; ~~and~~

16 (6) The June 30, 1995 fund balance in the Alcohol and Drug Safety Fund,
 17 which ~~in addition to those special revenues as set out in subdivision (b)(1)~~
 18 ~~of this section attributable to subdivisions (115) and (129),~~ shall be used
 19 exclusively for the support of detoxification services and alcohol and drug
 20 abuse rehabilitation and treatment services ~~as set out in §§ 16-17-110~~
 21 ~~[repealed], 16-18-106, and 16-19-413 [repealed].;~~

22 (7) Monies transferred or deposited from the State Administration of
 23 Justice Fund for use in the Drug Abuse Prevention and Treatment Program of the
 24 Bureau of Alcohol and Drug Abuse Prevention; and

25 (8) One-half (1/2) of the additional court costs as set out in § 5-76-
 26 103(b)(2)(B)(iii) to support alcoholism treatment programs of the Bureau of
 27 Alcohol and Drug Abuse Prevention.~~↘~~

28
 29 SECTION 10. Arkansas Code 19-5-311(h) is hereby amended to read as
 30 follows:

31
 32 "(h) There is hereby established on the books of the Treasurer of State,
 33 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 34 the ~~Pines~~ Southeast Arkansas Technical College Fund, there to be used for the
 35 maintenance, operation, and improvement of the ~~Pines~~ Southeast Arkansas

1 Technical College. The fund shall consist of:

2 (1) Such general revenues as may be provided by law; and

3 (2) Any other funds made available for the support of the ~~Pines-Southeast~~
 4 Arkansas Technical College which are required to be deposited into the State
 5 Treasury by law. ~~⌘~~

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7 SECTION 11. Arkansas Code 19-5-601(a)(3) is hereby amended to read as
 8 follows to reflect current special revenue sources of income to the Municipal
 9 Aid Fund:

10

11 "(3) Those special revenues as specified in subdivision (135) ~~and that~~
 12 ~~portion of those special revenues as specified in subdivision (191) of~~ § 19-6-
 13 301 of the Revenue Classification Law, § 19-6-101 et seq. ~~⌘~~

14

15 SECTION 12. Arkansas Code 19-5-602(a)(3) is hereby amended to read as
 16 follows to reflect current special revenue sources of income to the County Aid
 17 Fund:

18

19 "(3) Those special revenues as set out in subdivisions (74) and (117), ~~that~~
 20 ~~portion of those special revenues as specified in subdivision (191),~~ and
 21 forty-five percent (45%) of those special revenues as specified in subdivision
 22 (20) of § 19-6-301 of the Revenue Classification Law, § 19-6-101 et seq.; and ~~⌘~~

23

24 SECTION 13. Arkansas Code 19-5-914(b) is hereby amended to read as
 25 follows to reflect sources of income to the Judges Retirement Fund:

26

27 "(b) This fund shall consist of trust funds as provided by law and monies
 28 transferred or deposited from the State Administration of Justice Fund. ~~⌘~~

29

30 SECTION 14. Arkansas Code 19-5-917(b) and (c) are hereby amended to read
 31 as follows to reflect sources of income to and purposes of the State Police
 32 Retirement Fund:

33

34 "(b) This fund shall consist of the trust funds designated by law, monies
 35 transferred or deposited from the State Administration of Justice Fund and

1 Non-DWI driver's license reinstatement fees as set out in 27-16-808.

2 (c) It shall be used for payment of personal services, operating expenses,
 3 investments, benefits, refunds, and for such other purposes as may be
 4 authorized by law and in Title 24, Chapter 6, Subchapter 2.

5

6 SECTION 15. Arkansas Code 19-5-950(b) is hereby amended to read as
 7 follows to reflect sources of income to the Crime Victims Reparations
 8 Revolving Fund:

9

10 "(b) This fund shall consist of ~~victim reparations, assessments, monies~~
 11 transferred or deposited from the State Administration of Justice Fund and all
 12 other moneys received by the Crime Victims Reparations Board, there to be used
 13 to compensate and assist victims of criminal acts as set out in § 16-90-701 et
 14 seq."

15

16 SECTION 16. Arkansas Code 19-5-959(b) is hereby amended to read as
 17 follows to reflect sources of income to the Petroleum Storage Tank Trust Fund:

18

19 "(b) Such fund shall consist of the petroleum environmental assurance fees as
 20 provided for in § 8-7-906, all other fees assessed under § 8-7-901 et seq.,
 21 gifts, grants, donations, such other funds made available by the General
 22 Assembly, the excess of a reserve to two months requirements of debt service
 23 from fees in the Petroleum Storage Tank Trust Fund Revenue Bond Debt Service
 24 Fund, 15-5-1206 and any moneys recovered by the Department of Pollution
 25 Control and Ecology which are attributable to collections of civil penalties
 26 under § 8-7-806 or to costs under § 8-7-807 not owed the Regulated Substance
 27 Storage Tank Program Fund, there to be administered by the Director of the
 28 Department of Pollution Control and Ecology, who shall make disbursements from
 29 the fund as authorized by § 8-7-901 et seq.

30

31 SECTION 17. Arkansas Code 19-5-979(b) is hereby amended to read as
 32 follows to reflect sources of income to the Landfill Post-Closure Trust Fund:

33

34 "(b) This fund shall consist of those special revenues as specified in
 35 subdivision (167) of § 19-6-301, federal funds, interest earned and any gifts

1 or donations, there to be used for the administration of and for landfill
 2 post-closure corrective action as administered by the Department of Pollution
 3 Control and Ecology as set out in § 8-6-1001 et seq. ✕

4

5 SECTION 18. Arkansas Code 19-5-985(b)(1) is hereby amended to read as
 6 follows to reflect sources of income to the Arkansas Medicaid Program Trust
 7 Fund:

8

9 "(b)(1) This fund shall consist of all revenues derived from taxes levied on
 10 soft drinks sold or offered for sale in Arkansas as provided for in § 26-57-
 11 901 et seq., there to be used exclusively for the state match of federal funds
 12 participation under the Arkansas Medicaid Program; the additional ambulance
 13 annual fees as set out in § 20-13-212 and those special revenues as specified
 14 in subdivision (156) of § 19-6-301. ✕

15

16 SECTION 19. TRUST FUNDS. Arkansas Code Title 19, Chapter 5, Subchapter 9
 17 is hereby amended to add the following new sections:

18

19 "19-5-992. Mining Reclamation Trust Fund.

20

21 (a) There is established on the books of the Treasurer of State, Auditor
 22 of State, and Chief Fiscal Officer of the State a fund to be known as the
 23 Mining Reclamation Trust Fund.

24 (b) This fund shall consist of all forfeitures collected under § 15-58-
 25 101 et seq. and interest earned on the fund, there to be used only to
 26 accomplish reclamation of land covered by forfeitures of performance bonds for
 27 surface coal mining.

28

29 19-5-993. State Administration of Justice Fund.

30

31 (a) There is established on the books of the Treasurer of State, Auditor
 32 of State, and Chief Fiscal Officer of the State a fund to be known as the
 33 State Administration of Justice Fund.

34 (b) This fund shall consist of court costs and fees as set out in §§ 16-
 35 10-303, 16-10-305, 16-14-105, 16-17-105 and 21-6-403, there to be used for

1 trial court staff as set out in § 16-10-133 and for distribution of revenue as
 2 set out in § 16-10-310.

3

4 19-5-994. Arkansas Fire and Police Pension Guarantee Fund.

5

6 (a) There is established on the books of the Treasurer of State, Auditor
 7 of State, and Chief Fiscal Officer of the State a fund to be known as the
 8 Arkansas Fire and Police Pension Guarantee Fund.

9 (b) This fund shall consist of a portion of the taxes levied on insurers
 10 or any other state funds designated for support of fire and police retirement
 11 programs, there to be used for those purposes as set out in 24-11-209.ⓧ

12

13 SECTION 20. Arkansas Code 19-5-1011(a) is hereby amended to read as
 14 follows to reflect sources of income to the Crime Information System Fund:

15

16 "(a) The Crime Information System Fund shall consist of those special
 17 revenues as specified in ~~subdivisions~~ subdivision (14) ~~and (152)~~ of § 19-6-301
 18 of the Revenue Classification Law, § 19-6-101 et seq., allocations of general
 19 revenues as authorized by the General Assembly, balances forwarded from the
 20 Criminal Justice and Highway Information Fund ~~(repealed)~~ on July 1, 1981,
 21 monies transferred or deposited from the State Administration of Justice Fund
 22 and such federal grants and aid of reimbursements as may be received, there to
 23 be used for the maintenance, operation, improvement, and necessary
 24 expenditures for administering the Crime Information System.

25

26 SECTION 21. Arkansas Code 19-5-1043(b) is hereby amended to read as
 27 follows to reflect sources of income to the Drug Abuse Prevention and
 28 Treatment Fund:

29

30 "(b) This fund shall consist of those ~~assessed penalties and moneys provided~~
 31 ~~for in § 5-64-416~~ monies transferred or deposited from the State
 32 Administration of Justice Fund.ⓧ

33

34 SECTION 22. Arkansas Code 19-5-1044(b) is hereby amended to read as
 35 follows to reflect sources of income to the Law Enforcement and Prosecutor

1 Drug Enforcement Training Fund:

2

3 "(b) This fund shall consist of those ~~assessed penalties and moneys provided~~
 4 ~~for in § 5-64-416 monies transferred or deposited from the State~~
 5 Administration of Justice Fund."

6

7 SECTION 23. Arkansas Code 19-5-1052(b) is hereby amended to read as
 8 follows to reflect sources of income to the Justice Building Fund:

9

10 "(b) This fund shall consist of all moneys ~~received from the various county~~
 11 ~~treasurers from the additional court costs as set out in § 22-3-920 [repealed]~~
 12 transferred or deposited from the State Administration of Justice Fund, there
 13 to be used exclusively by the Arkansas State Building Services for the
 14 maintenance of the Justice Building."

15

16 SECTION 24. Arkansas Code 19-5-1073 is hereby amended to read as
 17 follows:

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19 "19-5-1073. Higher Education Classified Employee Salary Adjustment Fund.

20

21 (a) The Higher Education Classified Employee Salary Adjustment Fund is hereby
 22 created upon the books of the Treasurer of State, the Auditor of State, and
 23 the Chief Fiscal Officer of the State.

24 (b) This fund shall consist of monies transferred from the Merit Adjustment
 25 Fund, there to be used to provide the general revenue share of salary
 26 increases and resulting fringe benefit costs for classified employees of
 27 institutions of higher education and in such amounts as transferred to the
 28 various institutions of higher education general revenue funds.

29

30 SECTION 25. Arkansas Code Title 19, Chapter 5, Subchapter 10 is hereby
 31 amended by adding the following new sections to read as follows, to reflect
 32 the reclassification of the following funds from special revenue funds to
 33 miscellaneous funds:

34

35 "19-5-1079. Arkansas Code Revision Fund.

1

2 (a) There is hereby established on the books of the Treasurer of State,
3 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
4 the Arkansas Code Revision Fund.

5 (b) This fund shall consist of those monies transferred or deposited from the
6 State Administration of Justice Fund, there to be used for the maintenance,
7 operation, support, and improvement required by the Arkansas Code Revision
8 Commission in carrying out the powers, functions, and duties imposed upon them
9 as set out in § 1-2-303.

10

11 19-5-1080. Highway Safety Special Fund.

12

13 (a) There is hereby established on the books of the Treasurer of State,
14 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
15 the Highway Safety Special Fund.

16 (b) This fund shall consist of those monies transferred or deposited from the
17 State Administration of Justice Fund and one-half (1/2) of the additional
18 court costs as set out in § 5-76-103(b)(2)(B)(ii), there to be used for
19 support of programs of the Arkansas Highway Safety Program.

20

21 19-5-1081. Municipal Court Judge and Municipal Court Clerk Education Fund.

22

23 (a) There is hereby established on the books of the Treasurer of State,
24 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
25 the Municipal Court Judge and Municipal Court Clerk Education Fund.

26 (b) This fund shall consist of those monies transferred or deposited from the
27 State Administration of Justice Fund, there to be used for providing
28 continuing education opportunities, within the State of Arkansas, to municipal
29 judges and municipal court clerks.

30

31 19-5-1082. Court Reporter's Fund.

32

33 (a) There is hereby established on the books of the Treasurer of State,
34 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
35 the Court Reporter's Fund.

1 (b) This fund shall consist of those monies transferred or deposited from the
 2 State Administration of Justice Fund and general revenues transferred from the
 3 County Aid Fund, there to be used for paying such salaries, transcript fees,
 4 and expenses of court reporters as may be provided by law to be paid from
 5 state funds, as set out in § 16-13-508.

6

7 19-5-1083. Arkansas Counties Alcohol and Drug Abuse and Crime Prevention
 8 Program Fund.

9 (a) There is hereby established on the books of the Treasurer of State,
 10 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 11 the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program
 12 Fund.

13 (b) This fund shall consist of those monies transferred or deposited from the
 14 State Administration of Justice Fund, there to be used exclusively for the
 15 establishment and operation of alcohol abuse, drug abuse, and crime prevention
 16 programs in the counties.

17

18 SECTION 26. Arkansas Code Title 19, Chapter 5, Subchapter 10 is hereby
 19 amended by adding the following new sections to read as follows:

20

21 "19-5-1084. Waterworks Operators Licensing Fund.

22

23 (a) There is hereby established on the books of the Treasurer of State,
 24 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 25 Waterworks Operators Licensing Fund.

26 (b) This fund shall consist of fines collected under § 17-51-102, there to be
 27 used to defray the costs of administering Arkansas Code Title 17, Chapter 51.

28

29 19-5-1085. Judicial Fine Collection Enhancement Fund.

30

31 (a) There is hereby established on the books of the Treasurer of State,
 32 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 33 the Judicial Fine Collection Enhancement Fund.

34 (b) This fund shall consist of the time-payment fees established by § 16-13-
 35 704, there to be used by the Administrative Office of the Courts for the

1 purchase of computer hardware and software as set out in § 16-13-712.

2

3 19-5-1086. Higher Education Consolidation Matching Fund.

4

5 (a) There is hereby established on the books of the Treasurer of State,
 6 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
 7 the Higher Education Consolidation Matching Fund.

8 (b) This fund shall consist of funds made available by the General Assembly,
 9 there to be used to match documented savings at public institutions of higher
 10 education that consolidate or merge as set out in § 6-60-102. ✕

11

12 SECTION 27. Arkansas Code §§ 19-5-311(j), 19-5-1030 and 19-5-1071 are
 13 hereby repealed.

14

15 ~~(j) There is hereby established on the books of the Treasurer of State,~~
 16 ~~Auditor of State, and Chief Fiscal Officer of the State a fund to be known as~~
 17 ~~the Red River Technical College Fund, there to be used for the maintenance,~~
 18 ~~operation, and improvement of the Red River Technical College. The fund shall~~
 19 ~~consist of:~~

20 ~~— (1) Such general revenues as may be provided by law; and~~

21 ~~— (2) Any other funds made available for the support of the Red River~~
 22 ~~Technical College which are required to be deposited into the State Treasury~~
 23 ~~by law.~~

24

25 ~~19-5-1030. Mining Reclamation Trust Fund.~~

26 ~~(a) There is established on the books of the Treasurer of State, Auditor of~~
 27 ~~State, and Chief Fiscal Officer of the State a fund to be known as the Mining~~
 28 ~~Reclamation Trust Fund.~~

29 ~~— (b) This fund shall consist of all forfeitures collected under § 15-58-~~
 30 ~~101 et seq. and interest earned on the fund, there to be used only to~~
 31 ~~accomplish reclamation of land covered by forfeitures of performance bonds for~~
 32 ~~surface coal mining.~~

33

34 ~~§ 19-5-1071. Office of Hazardous Materials Emergency Management Revolving~~
 35 ~~Fund.~~

1 ~~(a) There is hereby created on the books of the Treasurer of State, Auditor~~
 2 ~~of State, and Chief Fiscal Officer of the State a special revenue fund account~~
 3 ~~to be known as the Office of Hazardous Materials Emergency Management~~
 4 ~~Revolving Fund.~~

5 ~~— (b) All moneys collected under § 12-84-101 et seq. shall be deposited to~~
 6 ~~the credit of that account as special revenues and shall be used by the State~~
 7 ~~Office of Hazardous Materials Emergency Management to operate the office and~~
 8 ~~enforce § 12-84-101 et seq.~~

9

10 SECTION 28. SPECIAL LANGUAGE. The Department of Higher Education will
 11 work with the state college and university president's council to review,
 12 revise and develop funding formulae which will, in principle, seek to provide
 13 fair and equitable state support to all postsecondary students across the
 14 state, regardless of the state institution attended, while at the same time
 15 recognizing (a) the different needs for lower level, upper level, and graduate
 16 level instruction at the various institutions, (b) the requirements for
 17 specialized equipment and labs and smaller class sizes in some disciplines and
 18 (c) unique missions, such as agricultural extension services, research,
 19 medical sciences, workforce development, and public service; and (d) growth,
 20 economies of scale and other appropriate factors. The formula will be
 21 developed in consensus with the state college and university president's
 22 council and presented to the State Higher Education Coordinating Board and the
 23 Joint Budget Committee of the General Assembly for review.

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