

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1296 OF 1995
HOUSE BILL 1874

4 **By: Representatives M. Wilson and Lynn**

5

6

7

For An Act To Be Entitled

8

"AN ACT TO MAKE VARIOUS CORRECTIONS TO THE ARKANSAS CODE

9

OF 1987; AND FOR OTHER PURPOSES."

10

11

Subtitle

12

"AN ACT TO MAKE VARIOUS CORRECTIONS TO

13

THE ARKANSAS CODE OF 1987."

14

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

16

17 SECTION 1. Section 4-95-103 is amended to read as follows for the

18 purpose of clarifying a reference contained in the statute:

19 "4-95-103. Penalties -- Criminal

20 Any person who knowingly commits a practice defined as unlawful in this

21 chapter shall be guilty of a Class B misdemeanor and, upon conviction in the

22 appropriate court of any county in this state in which any portion of the

23 unlawful practice occurred, shall be subject to punishment accordingly. If

24 the amount in question solicited exceeds two hundred dollars (\$200), the

25 offense shall constitute a Class D felony."

26

27 SECTION 2. The Arkansas Supreme Court having held in *Mayfield v. State*,

28 293 Ark. 216, 736 S.W.2d 12 (1987), cert. denied, 485 U.S. 905, 108 S. Ct.

29 1076, 99 L. Ed. 2d 235 (1988), that § 5-12-103(c) was repealed by the

30 enactment of Acts 1981, No. 620, Subsections (c) and (d) of § 5-12-103 are

31 hereby repealed.

32

33 SECTION 3. Section 5-26-411(c) is amended to read as follows to correct

34 an obsolete reference to "bastardy":

35 "(c) A legally adopted child and a child whose parentage was determined

36 in a paternity proceeding shall be within the provisions of this chapter and

1 no proof other than the orders of the proper court shall be required to prove
2 parentage."

3

4 SECTION 4. Section 5-28-203(b)(2) is amended to read as follows for the
5 purpose of better organization of the subdivision:

6 "(b)(2) A report for endangered adults residing in a long-term care
7 facility shall be made immediately to the local law enforcement agency for the
8 jurisdiction in which the facility is located, and to the Office of Long-Term
9 Care of the Division of Economic and Medical Services of the Department of
10 Human Services pursuant to regulations of that office."

11

12 SECTION 5. The words "in the first degree" having been omitted
13 accidentally from § 5-38-203(c), § 5-38-203(c) is amended to read as follows:

14 "(c) Criminal mischief in the first degree is a Class C felony if the
15 amount of actual damage is five hundred dollars (\$500) or more. Otherwise, it
16 is a Class A misdemeanor."

17

18 SECTION 6. Section 5-53-133(c) purports to authorize a circuit judge to
19 revoke an attorney's law license, an action which may only be performed by the
20 Arkansas Supreme Court. Accordingly, § 5-53-133 is amended to read as
21 follows:

22 "(c) If any licensed attorney shall approach any commissioner for the
23 purpose of having any person placed upon the grand or petit jury, he shall be
24 guilty of a felony and imprisoned in the Department of Correction not less
25 than two (2) years nor more than five (5) years pursuant to subsection (a) of
26 this section, and the Supreme Court shall revoke his license to practice law."

27

28 SECTION 7. The federal Bureau of Narcotics and Dangerous Drugs having
29 been abolished and its functions and duties transferred to the federal Drug
30 Enforcement Agency, § 5-64-101(c) is amended to read as follows:

31 "(c) 'Bureau' means the Drug Enforcement Agency of the United States
32 Department of Justice, or its successor agency;"

33

34 SECTION 8. Section 5-65-118(a)(1) is amended to read as follows for the
35 purpose of better organization of the subdivision:

1 "(a) (1) In addition to the other penalties authorized for violations of
2 this chapter, a court may, in its discretion, upon finding a person
3 financially able to afford an interlock device and upon a finding of guilt or
4 a plea of guilty or nolo contendere for violating § 5-65-103, order the person
5 to operate only a motor vehicle which is equipped with a functioning ignition
6 interlock device, and this restriction may continue for a period of up to one
7 (1) year after such person's license is no longer suspended or restricted
8 under the provisions of § 5-65-104."
9

10 SECTION 9. Section 5-74-102(b) is hereby amended to read as follows for
11 the purpose of better organization of the subsection:

12 "(b) The General Assembly of the State of Arkansas further finds that
13 the State of Arkansas is experiencing an increase in crime committed by
14 criminal gangs, organizations, or enterprises. These criminal gangs,
15 organizations, or enterprises support themselves by engaging in criminal
16 activity for profit, most commonly through the distribution of controlled
17 substances and theft of property. These criminal gangs, organizations, or
18 enterprises are becoming increasingly sophisticated at avoiding arrest and
19 prosecution. With increasing frequency, criminals are using the property of
20 another person which has been stolen, borrowed, leased, or maintained in
21 another person's name to avoid detection and identification. This is
22 particularly common among members and associates of criminal gangs,
23 organizations, and enterprises. There is strong evidence that this increased
24 sophistication is due largely to contact with other criminal gangs,
25 organizations, or enterprises from other states."
26

27 SECTION 10. Section 5-74-109(c) is amended to read as follows to
28 correct an error in the wording of the subsection:

29 "(c) Action to abate - Permanent injunction - Verification of
30 complaint. (1) Whenever there is reason to believe such a common nuisance is
31 kept or maintained, or exists in any county, the prosecuting attorney of the
32 county in the name of the state, or the city attorney of any incorporated
33 city, or any citizen of the state or a resident of the county in his or her
34 own name, may enjoin permanently the person conducting or maintaining the
35 nuisance and the owner, lessee, or agent of the building or place in or upon

1 which the nuisance exists from directly or indirectly maintaining or
2 permitting the nuisance.

3 (2) Unless filed by the prosecuting attorney, the complaint in the
4 action shall be verified."

5

6 SECTION 11. Section 5-74-201(b) is amended to read as follows for the
7 purpose of better organization of the subsection:

8 "(b) The General Assembly of the State of Arkansas further finds that
9 the State of Arkansas is experiencing an increase in crime committed by
10 criminal gangs, organizations, or enterprises. These criminal gangs,
11 organizations, or enterprises support themselves by engaging in criminal
12 activity for profit, most commonly through the distribution of controlled
13 substances and theft of property. These criminal gangs, organizations, or
14 enterprises are becoming increasingly sophisticated at avoiding arrest and
15 prosecution. With increasing frequency, criminals are using the property of
16 another person which has been stolen, borrowed, leased, or maintained in
17 another person's name to avoid detection and identification. This is
18 particularly common among members and associates of criminal gangs,
19 organizations, and enterprises. There is strong evidence that this increased
20 sophistication is due largely to contact with other criminal gangs,
21 organizations, or enterprises from other states.

22

23 SECTION 12. Section 6-3-110(d) is amended to read as follows for the
24 purpose of better organization of the subsection and for the purpose of
25 defining "state employee":

26 "(d) In fulfilling their day-to-day responsibilities, state employees
27 of the Division of Arkansas Educational Television are to be supervised only
28 by appropriate state employees. A "state employee" is defined as one paid by
29 funds appropriated by the General Assembly. No person or employee paid with
30 funds not appropriated by the General Assembly shall supervise any state
31 employee of the Division of Arkansas Educational Television."

32

33 SECTION 13. Section 6-11-118(d) is amended to read as follows to change
34 the words "requests to become" to "requests that the school become" for the
35 purpose of clarification:

1 "(d) For the purpose of this section, the term 'rural school' shall be
2 interchangeable with the term 'small high school' and shall include those
3 schools with enrollments of five hundred (500) or less in kindergarten through
4 grade twelve. Schools of enrollments of five hundred (500) to seven hundred
5 fifty (750) shall also be served by this office if they are in unincorporated
6 areas, if a majority of the county board of education approves, and if the
7 superintendent requests that the school become a part of the area for which
8 this office is responsible."
9

10 SECTION 14. Section 6-12-207(f) is amended to read as follows to make
11 the references to "county supervisor, or similar personnel" consistent:

12 "(f) Except for the state's contribution to the county supervisor's, or
13 similar personnel's, salary, all funds provided herein shall be set aside from
14 the unapportioned county general school fund to a special fund by the county
15 treasurer. Payments from this special fund shall be made only upon
16 presentation of invoice statements, itemized expense accounts, and payrolls
17 upon vouchers signed by the county school supervisor, or similar personnel,
18 and the chairman of the county board and when vouchers properly executed are
19 presented to the county clerk and approved by the county school supervisor, or
20 similar personnel, and the chairman of the county board."
21

22 SECTION 15. Section 6-15-502(b) is amended to read as follows to make
23 subsection (b) consistent with subsection (a) and to remove misplaced
24 references to § 6-18-201(a):

25 "(b) The State Board of Education is empowered to make such reasonable
26 rules and regulations required for the proper administration of this
27 subchapter which are not inconsistent with the intent of this subchapter."
28

29 SECTION 16. Section 6-15-806(b)(6)(F) is amended to read as follows to
30 clarify an ambiguity in subdivision (b)(6)(F):

31 "(F) Number of offenses;"
32

33 SECTION 17. Section 6-15-1005(a)(1) is amended to read as follows to
34 remove an unnecessary comma:

35 "(a)(1) The task force shall be composed of not more than seventeen

1 (17) persons and shall include teachers and administrators from restructuring
2 schools, subject matter experts, higher education faculty and administrators,
3 and public and business representatives."
4

5 SECTION 18. Section 6-15-1101(b) is amended to read as follows to
6 clarify that the required grade point is to be attained on a four-point scale
7 and not a five-point scale:

8 "(b) Beginning with the 1994-95 school year, a school district shall
9 attach a seal, stamp, or other symbol to transcripts and diplomas awarded to
10 high school students who have completed either the college preparatory core
11 curriculum or the technical preparation core curriculum with a minimum grade
12 point average of 2.75 on a 4.0-point scale."
13

14 SECTION 19. Section 6-16-121(a) is amended to read as follows to
15 clarify an ambiguous reference to "teaching":

16 "(a) The Director of the General Education Division of the State
17 Department of Education shall develop the materials or units for the teaching
18 of historical contributions made by African-Americans in the United States and
19 in other countries prior to the establishment of the United States for
20 inclusion in the appropriate curricula of all kindergarten through grade
21 twelve (K-12) of all public schools in the State of Arkansas, beginning with
22 the 1994-95 school year."
23

24 SECTION 20. Section 6-17-919(b) is amended to read as follows to
25 clarify the antecedent of "his":

26 "(b) The county board, or the board's designee, or the district
27 superintendent of schools and the superintendent's surety shall be liable for
28 any warrants which he countersigns in payment of teachers' salaries unless and
29 until there is a valid teacher's certificate and contract for the teacher on
30 file with the county board or with the board's designee."
31

32 SECTION 21. Section 6-17-1103(c) is amended to read as follows to
33 clarify that the reference to "his term of office" should be "his successor's
34 term of office":

35 "(c) The term of office shall commence on the day following the

1 expiration of the then-incumbent's term and shall end on the day preceding
2 commencement of his successor's term of office five (5) years hence."

3

4 SECTION 22. Section 6-18-221(b), (c), & (e) (2) are amended to read as
5 follows to change the word "presence" to "absence":

6 "(b) Upon the request of the board of directors of the school district,
7 the law enforcement agency shall stipulate, with the administration of the
8 school district, specific days and hours when law enforcement officers will
9 attempt to locate school-age students in the community who are off school
10 premises during school hours without valid documentation excusing their
11 absence."

12 "(c) Any certified law enforcement officer may stop and detain any
13 unsupervised school-age student located off school premises during school
14 hours and request the production of documentation excusing his absence from
15 school."

16 "(e) (2) Any school district adopting this program shall include
17 provisions for furnishing valid documentation for students in work-study
18 programs or other authorized absences from school premises to assist law
19 enforcement officers in determining the validity of documentation excusing the
20 student's absence from school during school hours."

21

22 SECTION 23. Section 6-18-222(a) (7) (A) is amended to read as follows to
23 complete an incomplete sentence and to correct an unclear reference:

24 "(a) (7) (A) The purpose of the penalty set forth in this section is to
25 impress upon the parents, guardians, or persons in loco parentis the
26 importance of school or adult education attendance, and the penalty is not to
27 be used primarily as a source of revenue."

28

29 SECTION 24. Section 6-18-508(a) is amended to read as follows to insert
30 the phrase "which shall afford" for the purpose of clarification:

31 "(a) Every school district shall establish an alternative learning
32 environment which shall afford students an environment conducive to learning."

33

34 SECTION 25. Section 6-20-103(b) is amended to read as follows to insert
35 the words "the requirement" for the purpose of clarification:

1 "(b) The Chief Fiscal Officer of the State, the Treasurer of State, and
2 the Auditor of State, by joint rules, shall establish the standards and
3 procedures for administering the system, to include the requirement that the
4 electronic warrants transfer shall be in such form that a single instrument
5 shall serve as the electronic warrants transfer."
6

7 SECTION 26. Section 6-20-502(5) is amended to read as follows to
8 correct "school district or residence" to "school district of residence":

9 "(5) 'Receiving district' means a school district in this state in which
10 a child attends or seeks to attend school other than the school district of
11 residence of the child;"
12

13 SECTION 27. Section 6-20-504(b)(2) is amended to read as follows to
14 clarify references to the child's former school and the child's present
15 school:

16 "(b)(2) The application shall be in writing and shall state the name of
17 the child, state the fact that the child is in a foster home in the school
18 district, and request payment to that school district of the state, federal,
19 and local funds, including special education funds, if the foster child is a
20 child with disabilities as defined in this subchapter, available for the
21 education of the child for the current school year due to the attendance of
22 the child at the school attended during the previous year."
23

24 SECTION 28. Section 6-21-106(a)(3), (5), and (6) are amended to read as
25 follows to correct an inconsistency in referring to the head of the fire
26 department as both "chief executive officer of the fire department" and "fire
27 chief":

28 "(a)(3) The chief executive officer of the fire department shall file a
29 written report of the inspection with the superintendent within seven (7)
30 calendar days after the inspection."

31 "(a)(5) The superintendent shall file a written report with the chief
32 executive officer of the fire department within seven (7) calendar days after
33 receiving the inspection report."

34 "(a)(6) The superintendent's report shall indicate what action was
35 taken or will be taken in response to the inspection by the chief executive

1 officer of the fire department."

2

3 SECTION 29. Section 6-21-608(c) is amended to read as follows to add
4 the word "gun" to the first reference to "drugs or contraband" for the sake of
5 consistency and to make a minor technical correction:

6 "(c) Any school official employed in a supervisory capacity over
7 students or other persons on school premises shall, upon receipt of
8 information that guns, drugs, or other contraband are concealed in school-
9 owned property, have the authority to investigate and search any school-owned
10 property for any drugs, guns, or other contraband which may be concealed in
11 the school-owned property, without the necessity of obtaining a search warrant
12 from local authorities. In the event contraband is discovered, it shall be
13 seized and held by the supervisor of the school premises until appropriate
14 action, as described in subsection (d) of this section, is taken."

15

16 SECTION 30. Section 6-41-211(f) is amended to read as follows to change
17 "within available" to "subject to the availability of" for the purpose of
18 clarification:

19 "(f) The Associate Director of the Special Education Section of the
20 Department of Education shall meet with and act as secretary to the advisory
21 council and, subject to the availability of personnel, facilities, and
22 appropriations, shall furnish meeting facilities and staff services for the
23 advisory council."

24

25 SECTION 31. Section 6-41-402(3) is amended to read as follows to change
26 "handicapped child's" to "child with disabilities":

27 "(3) 'Individual education plan' means the evaluation of a child with
28 disabilities' educational needs conducted pursuant to § 6-41-217."

29

30 SECTION 32. Section 6-46-502 is amended to read as follows to clarify
31 that "the department" means the Department of Education, inasmuch as the
32 Department of Higher Education is also mentioned in § 6-46-501:

33 "6-46-502. Operation contracts.

34 The Department of Education shall also be authorized to contract with
35 other agencies and private research centers as it may deem necessary to carry

1 out its responsibilities for the operation of the center."
2

3 SECTION 33. Section 6-60-208(a) and (c)(1)(A) and (B) are amended to
4 read as follows to clarify that the required grade point is to be attained on
5 a four-point scale and not on a five-point scale:

6 "(a) Beginning with the 1997-98 academic year, any student who
7 graduated from a high school after May 1, 1997, must have successfully
8 completed the college preparatory core curriculum, recommended by the State
9 Board of Higher Education after consultation with the State Board of Education
10 and pursuant to § 6-61-217, or the technical preparatory core curriculum
11 established by the State Board of Education pursuant to § 6-18-101, with a
12 minimum cumulative grade point average of 2.0 on a 4.0-point scale, to be
13 eligible for unconditional admission to an associate of arts or a bachelor's
14 degree program in a public four-year institution of higher education."

15 "(c)(1)(A) For a student seeking an associate of arts degree or a
16 baccalaureate degree and who failed to successfully complete the college
17 preparatory core curriculum or the technical preparatory core curriculum,
18 completion of twelve (12) hours of core academic courses and any necessary
19 remedial courses with a cumulative grade point average of 2.0 on a 4.0-point
20 scale."

21 "(c)(1)(B) For a student seeking a diploma, a technical certificate, or
22 an associate of applied science degree and who failed to successfully complete
23 the college preparatory core curriculum or the technical preparatory core
24 curriculum, completion of six (6) hours of core academic courses, six (6)
25 hours of technical courses required for the diploma, technical certificate, or
26 associate of applied science degree, and any necessary remedial courses with a
27 cumulative grade point average of 2.0 on a 4.0-point scale."
28

29 SECTION 34. Section 6-61-1005(b)(4) is amended to read as follows to
30 add "tax proceeds and" to be consistent with § 6-61-1004(b)(4):

31 "(b)(4) Pertaining to the collection, depositing, securing, and
32 disbursing of tax proceeds and other revenues;"
33

34 SECTION 35. Section 6-64-603(a) is amended to read as follows to add
35 "There shall be levied and collected" to the introductory paragraph:

1 "(a) There shall be levied and collected from each defendant upon
2 conviction and upon each plea of guilty or nolo contendere or forfeiture of
3 bond in felony, misdemeanor, and traffic violation for violation of state law
4 or local ordinance cases as follows:"

5

6 SECTION 36. Section 6-82-102 is amended to read as follows to rewrite
7 subsection (a), delete subsection (b), and renumber subsection (c) as
8 subsection (b):

9 "6-82-102. Annual review of minority scholarship or grant program.

10 (a) The State Board of Higher Education shall review annually all
11 minority scholarship or grant programs to ensure that the programs are in
12 compliance with federal regulations and shall report the board's findings no
13 later than June 30 to the Joint Interim Committee on Education, the Joint
14 Interim Oversight Subcommittee on Educational Reform, and the Joint Interim
15 Committee on Higher Education Reform.

16 (b)(1) The State Board of Higher Education shall review annually all
17 minority scholarship or grant programs administered by the State Department of
18 Higher Education to ensure that the programs are in compliance with federal
19 regulations and shall report the board's findings no later than June 30 to the
20 Joint Interim Committee on Education.

21 (2) Each publicly supported institution of higher education shall
22 review annually all minority scholarship or grant programs administered by the
23 institution to ensure that the programs are in compliance with federal
24 regulations. The board of trustees of each publicly supported institution of
25 higher education shall report the findings of the institution no later than
26 June 30 to the Joint Interim Committee on Education."

27

28 SECTION 37. Section 6-82-802(13) is amended to read as follows to
29 clarify that the required grade point is to be attained on a four-point scale
30 and not a five-point scale:

31 "(13) 'Required academic standards at the college level' means
32 maintaining at least a 2.5 grade point average on a 4.0-point scale. If a
33 recipient drops below a 2.5 grade point average for two (2) consecutive
34 quarters or semesters then he or she is not maintaining the required academic
35 standards;"

1

2 SECTION 38. Section 6-82-1005(b)(2)(A), (c), and (d) are amended to
3 read as follows to clarify that the required grade point is to be attained on
4 a four-point scale and not a five-point scale:

5 "(b)(2)(A) The recipient must have achieved a grade point average of
6 2.5 on a 4.0-point scale in the set of core curriculum courses; and"

7 "(c) The Department of Higher Education is authorized to develop
8 selection criteria through program rules and regulations which combine an
9 applicant's American College Test (ACT) or equivalent score and grade point
10 average in the precollegiate or technical preparation core curriculum into a
11 selection index. Notwithstanding the provisions of subdivisions (b)(2)(A) and
12 (B) of this section, this selection index shall be employed as an alternative
13 selection process for applicants who achieve a grade point average above 2.5
14 on a 4.0-point scale in the set of precollegiate or technical preparation core
15 curriculum courses defined in subdivision (b)(1)(E) of this section, or for
16 applicants who have an American College Test (ACT) composite or equivalent
17 score greater than nineteen (19)."

18 "(d) Starting in 1993-94, the required grade point average in the set
19 of precollegiate or technical preparation core curriculum courses defined in
20 subdivision (b)(1)(E) shall be 3.0 on a 4.0-point scale, unless it is
21 determined by the Department of Higher Education, based on review and
22 evaluation of the program's operation in 1991-93, that this change would
23 unduly reduce the number of low-income or disadvantaged students who would
24 otherwise be eligible for the program."

25

26 SECTION 39. Section 7-5-310 concerning privacy and assistance to
27 disabled voters is repealed as it expired on January 1, 1995.

28

29 SECTION 40. Section 7-5-523 concerning assistance to disabled voters is
30 repealed as it expired on January 1, 1995.

31

32 SECTION 41. Section 7-6-203(j) is amended to read as follows for the
33 purpose of better organization of the subsection:

34 "(j)(1) Within thirty (30) days following a general election, a
35 candidate shall turn over any balance of campaign funds over expenses incurred

1 as of the day of the election to either:

2 (A) The Treasurer of State for the benefit of the General Revenue
3 Fund Account of the State Apportionment Fund;

4 (B) An organized political party as defined in § 7-1-101(1); or

5 (C) The contributors to the candidate's campaign.

6 (2) The balance of campaign funds over expenses incurred to be turned
7 over shall not include:

8 (A) An amount equal to the yearly salary, excluding expense
9 allowances, set by Arkansas law for the office sought; and

10 (B) Any funds required to reimburse the candidate for personal funds
11 contributed to the campaign or to repay loans made by financial institutions
12 to the candidate and applied to the campaign.

13 (3) If an unopposed candidate agrees not to solicit further campaign
14 contributions by filing an affidavit with the Secretary of State declaring
15 such agreement, the candidate may dispose of any surplus of campaign funds
16 prior to a general election after the time has passed to declare an intent to
17 be a write-in candidate pursuant to § 7-5-205."

18

19 SECTION 42. Section 11-10-803(d)(1) is amended to read as follows to
20 delete the duplicate sentence, "However, the money may not be used for Job
21 Training Partnership Act programs and activities" in the introductory
22 paragraph of (d)(1):

23 "(d)(1) Money credited to the account of this state in the Unemployment
24 Compensation Trust Fund by the Secretary of the Treasury of the United States
25 of America pursuant to § 903 of the Social Security Act, as amended, may not
26 be requisitioned from this state's account or used except for the payment of
27 benefits and for the payment of expenses incurred for the administration of
28 this chapter. However, the money may not be used for Job Training Partnership
29 Act (JTPA) programs and activities. The money may be requisitioned pursuant to
30 the provisions of this chapter for the payment of benefits. The money may also
31 be requisitioned and used for the payment of expenses incurred in the
32 administration of this chapter. The money may only be used pursuant to a
33 specific appropriation by the General Assembly and only if the expenses are
34 incurred and the money is requisitioned after the enactment of an
35 appropriation law which:"

1

2 SECTION 43. Section 13-3-202(f) is amended to read as follows to delete
3 an extra "but":

4 *"(f) The committee may, by a majority vote of the total membership of*
5 *the committee cast during its first regularly scheduled meeting of each*
6 *calendar year, authorize expense reimbursement for the committee members to*
7 *perform official duties of the committee and such expense reimbursement shall*
8 *not exceed the rate established for state employees in the state travel*
9 *regulations. The committee may, by a majority vote of the total membership of*
10 *the committee cast during its first regularly scheduled meeting of each*
11 *calendar year, authorize payment to its members of a stipend not to exceed*
12 *fifty dollars (\$50.00) per meeting attended, and the committee members shall*
13 *receive no other compensation, expense reimbursement, or in lieu payments*
14 *except as provided in this section."*

15

16 SECTION 44. Section 13-7-502 is amended to read as follows to correct
17 the erroneous reference to the "State Register of Cultural Properties" to the
18 "State Register of Historic Properties":

19 "13-7-502. Purpose.

20 The purpose of the Historic Preservation Loan Act is to provide owners
21 of registered cultural properties in Arkansas with low-cost financial
22 assistance in the restoration, rehabilitation, and repair of properties listed
23 in the State Register of Historic Properties or National Register of Historic
24 Places, which are a part of the state's heritage and which contribute
25 substantially to the state's economic well-being and to a sound and proper
26 balance between preservation and development, through the creation of a
27 self-sustaining revolving loan program to rehabilitate, repair, and restore
28 historic properties."

29

30 SECTION 45. Section 13-7-503(4) is amended to read as follows to
31 correct the erroneous reference to the "State Register of Cultural Properties"
32 to the "State Register of Historic Properties":

33 "(4) 'Registered cultural property' means any site, structure,
34 building, or object entered in the State Register of Historic Properties or
35 National Register of Historic Places or both."

1

2 SECTION 46. Section 14-14-1205(a) (1) (B) is amended to read as follows
3 to clarify that the sums of \$5,000 and \$7,000 are in the aggregate:

4 "(a) (1) (B) The per diem compensation of justices during any one (1)
5 calendar year shall be not less than ninety-five dollars (\$95.00) per diem for
6 each regular meeting nor exceed five thousand dollars (\$5,000) in the
7 aggregate in counties having a population of less than two hundred thousand
8 (200,000) and shall not exceed seven thousand dollars (\$7,000) in the
9 aggregate in counties having a population of two hundred thousand (200,000) or
10 more."

11

12 SECTION 47. Section 14-54-208(a) is amended to read as follows to
13 correct "damages of liability" to "damages or liability":

14 "(a) Every agreement or contract entered into pursuant to this
15 subchapter shall have the status of an interstate compact, but in any case or
16 controversy involving performance or interpretation thereof or liability
17 thereunder, the municipalities involved shall be the real parties in interest.
18 The state may maintain an action to recoup or otherwise make itself whole for
19 any damages or liability which it may incur by reason of being joined as a
20 party therein."

21

22 SECTION 48. The correct name of the division of the Arkansas Industrial
23 Development Commission created in § 15-4-302 being the Division of Minority
24 Business Enterprise, §§ 15-4-313, 15-4-315(a), and 15-4-316 are hereby amended
25 to read as follows:

26 "15-4-313. Definitions

27 As used in §§ 15-4-311 -- 15-4-319, unless the context otherwise
28 requires:

29 (1) 'Advisory council' or 'council' means the Advisory Council to the
30 Division of Minority Business Enterprise created under § 15-4-303;

31 (2) 'Division' means the Division of Minority Business Enterprise of
32 the Arkansas Industrial Development Commission;

33 (3) 'Director' means the Administrator of the Division of Minority
34 Business Enterprise of the Arkansas Industrial Development Commission;

35 (4) (A) 'Exempt' and 'nonexempt' mean goods and services classified as

1 either exempt or nonexempt for the purpose of administering §§ 15-4-311 --
2 15-4-319.

3 (B) The classification shall be determined by the Office of State
4 Purchasing and the Division of Minority Business Enterprise and submitted to
5 the advisory council for its review and consideration for the purposes of §§
6 15-4-311 -- 15-4-319;

7 (5) 'Minority' means a black citizen or black lawful permanent resident
8 of the State of Arkansas;

9 (6) 'Procurement' means buying, purchasing, renting, leasing, or
10 otherwise acquiring any goods or services;

11 (7) 'State agency' means all departments, offices, boards, commissions,
12 and institutions of the state, including the state-supported institutions of
13 higher education; and

14 (8) 'State contract' means all types of state agreements, regardless of
15 what they may be called, for the purchase of commodities and services and for
16 the disposal of surplus commodities and services not otherwise exempt."
17

18 "15-4-315(a) The Division of Minority Business Enterprise and the
19 Office of State Purchasing shall serve as the principal coordinators of the
20 initiative to ensure the successful implementation of §§ 15-4-311 --
21 15-4-319."
22

23 "15-4-316. Exempt contracts.

24 The Division of Minority Business Enterprise and the Office of State
25 Purchasing, upon the approval of the council, shall determine the
26 classifications of contracts to be exempted from the goals established by §§
27 15-4-311 -- 15-4-319 whenever there exists an insufficient number of minority
28 businesses to ensure adequate competition."
29

30 SECTION 49. In light of the enactment of the Arkansas Nonprofit
31 Corporation Act of 1993 and the renaming of certain divisions of the
32 Department of Parks and Tourism, § 15-11-401(1) and (4) are amended to read as
33 follows:

34 "(1) 'Regional tourist promotion agency' means a corporation organized
35 pursuant to the provisions of the Arkansas Nonprofit Corporation Act, §

1 4-28-201 et seq., or the Arkansas Nonprofit Corporation Act of 1993, § 4-33-
2 101 et seq., established for the purposes authorized in this subchapter and
3 which is recognized by the State Parks, Recreation, and Travel Commission, or
4 its successor agency, as qualifying under the provisions of this subchapter;"

5 "(4) 'Tourism Division' means the Tourism Division of the Department of
6 Parks and Tourism, or its successor agency."

7

8 SECTION 50. In light of the renaming of several divisions of the
9 Department of Parks and Tourism, §§ 15-11-404, 15-11-405(c), 15-11-408(d), and
10 15-11-409 are hereby amended to read as follows:

11 "15-11-404. Administrative agency.

12 The Tourism Division of the department is designated as the
13 administrative agency of this state to act, under the authority of the
14 commission, in administering the provisions of this subchapter."

15

16 "15-11-405(c) Upon the furnishing of evidence to the commission that
17 the particular regional tourist promotion agency has proceeded in accordance
18 with the terms of the application, the grant allocated to such agency shall be
19 paid to the agency by the Tourism Division."

20

21 "15-11-408(d) In the event sufficient regional or local funds cannot be
22 raised to match the state funds appropriated for the matching fund program by
23 January 1 of each year, those state funds not applied for shall revert to the
24 Tourism Division of the Department of Parks and Tourism's advertising and
25 promotion budget."

26

27 "15-11-409. Investigations and audits.

28 The commission, or the Tourism Division, may, from time to time, make
29 such investigations and audits, and require each participating agency to
30 furnish such evidence or proof, to determine that all funds granted under the
31 provisions of this subchapter are being handled and expended for the purposes
32 as approved by the commission in awarding the grant.

33

34 SECTION 51. Section 15-21-202(a)(3) refers to a member of the Advisory
35 Board to the Division of Land Surveys of the Office of the State Geologist of

1 the Arkansas Geological Commission being appointed by the Arkansas Real Estate
2 Association. As the member is actually appointed by the Arkansas Realtors
3 Association, § 15-21-202(a) (3) is amended to read as follows:

4 " (a) (3) One (1) person designated by the Arkansas Realtors Association;"

5 SECTION 52. Section 15-23-308(5) is amended to read as follows for the
6 purpose of better organization of the subdivision:

7 " (5) Review water-related projects, including state and federal
8 projects, for their potential impacts on the Arkansas natural stream system."

9

10 SECTION 53. Section 15-24-102(c) (4) is amended to read as follows for
11 the purpose of better organization of the subdivision:

12 " (c) (4) However, any levee or drainage district shall have the option
13 upon the voluntary action of its governing board to make contracts with the
14 commission herein created and to make compacts and contracts with the
15 Government of the United States or any of its agencies and may thereby
16 voluntarily grant to the commission general or special powers as drainage or
17 levee districts may deem proper. The grant shall be limited specifically to
18 the matters and things voluntarily agreed upon by the governing board of the
19 districts. In order to become effective, the contract with the state
20 commission shall be approved by the county court or judge in vacation, if the
21 district is in one (1) county, and by the circuit court of the county of
22 domicile or the judge thereof in vacation, if in more than one (1) county, and
23 recorded on the court records."

24

25 SECTION 54. Section 15-32-207 is amended to read as follows to correct
26 references to the Auditor of State:

27 "15-32-207. Quarterly reports and payment of funds.

28 County timber inspectors shall make quarterly reports of their action as
29 such of all moneys collected by them, all suits pending, and other matters
30 that may be of interest to the state to the Auditor of State who shall charge
31 inspectors with all amounts due the state by such inspectors as shown by their
32 reports, in a book kept for that purpose. The inspector shall quarterly on the
33 first Monday of January, April, July, and October of each year pay to the
34 Treasurer of State all moneys he may have in his hands belonging to the state,
35 taking his duplicate receipt for the money, one (1) of which he will file with

1 the Auditor of State, who will credit his account with the money."

2

3 SECTION 55. Sections 15-32-407 and 15-32-410(3) are amended to read as
4 follows to correct obsolete references:

5 "15-32-407. Recording of mortgages and sales of marked logs.

6 All mortgages, liens, bills of sales, or other written instruments in
7 any way affecting the ownership of any marked logs, which shall specify the
8 marks placed upon the logs and when they were cut, shall be recorded in the
9 office of the county timber inspector. No conveyance, lien, mortgage, or
10 transfer shall be valid except as to the parties thereto, until it is
11 recorded, or until it shall be filed with some deputy county timber inspector,
12 who shall immediately forward the instrument to the inspector. The filing and
13 recording of all instruments and papers shall have the same effect as notice
14 as the recording of deeds and mortgages in the office of the recorder of
15 deeds."

16

17 "15-32-410(3) For recording any mortgage, bill of sale, or other
18 written instrument, the same fees allowed by law to recorders of deeds for
19 recording like instruments."

20

21 SECTION 56. Section 15-56-306(b) is amended to make certain language
22 gender-neutral as follows:

23 "(b) Not later than thirty (30) days after making the lease, the
24 receiver shall report the making of the lease to the court. If it shall appear
25 to the court that the consideration for the lease was fair and equitable at
26 the time the consideration was made, the court shall approve the consideration
27 and the lease shall be binding as though executed by the various owners and
28 their spouses."

29

30 SECTION 57. The Judicial Qualifications Commission having been
31 superseded by Amendment 66 to the Arkansas Constitution of 1874, §§ 16-10-120
32 and 16-10-121 are hereby repealed.

33

34 SECTION 58. Section 16-10-410(b)(5) is hereby amended to correct
35 certain references as follows:

1 "(b) (5) Willful violation of the Arkansas Code of Judicial Conduct or
2 the Model Rules of Professional Conduct;"

3

4 SECTION 59. The transfer of dockets and records contemplated by § 16-
5 13-608 having occurred over five (5) years ago, § 16-13-608 is hereby
6 repealed.

7

8 SECTION 60. Section 16-17-206(b) (2) having been held unconstitutional
9 by the Arkansas Supreme Court in *Sexson v. Municipal Court of Springdale*, 312
10 Ark. 261 (1993), § 16-17-206(b) is amended to read as follows:

11 "(b) The jurisdiction of a municipal court shall be coextensive with
12 the county in which it is situated, except in counties having two (2) judicial
13 districts, the jurisdiction shall be limited to the district in which the
14 court is situated."

15

16 SECTION 61. Sections 16-32-202 and 16-32-203, as amended by Act 592 of
17 1993 to provide for six-person juries in misdemeanor trials, having been found
18 unconstitutional by the Arkansas Supreme Court in *Byrd v. State*, 317 Ark. 609
19 (1994), §§ 16-32-202 and 16-32-203 are amended to read as follows:

20 "16-32-202. Selection, summons, and composition of trial generally.

21 (a) The jurors for the trial of criminal prosecutions shall be selected
22 and summoned as provided by law.

23 (b) (1) Juries shall be composed of twelve (12) jurors.

24 (2) However, cases other than felonies may be tried by a jury of less
25 than twelve (12) jurors by agreement of the parties."

26

27 "16-32-203. Selection for misdemeanor trial.

28 The jury, for the trial of all prosecutions for misdemeanors, shall be
29 selected in the following manner:

30 (1) Each party shall have three (3) peremptory challenges, which may be
31 made orally;

32 (2) (A) The court shall cause the names of twenty-four (24) competent
33 jurors, written upon separate slips of paper, to be placed in a box to be kept
34 for that purpose, from which the names of eighteen (18) jurors shall be drawn
35 and entered on a list in the order in which they were drawn, and numbered.

1 (B) Each party shall be furnished with a copy of the list, from
2 which each may strike the names of three (3) jurors and return the list so
3 stricken to the judge, who shall strike from the original list the names
4 struck from the copies.

5 (C) The first twelve (12) names remaining on the original list shall
6 constitute the jury."

7

8 SECTION 62. Section 16-43-604(a) is amended to read as follows for the
9 purpose of better organization of the subsection:

10 "(a) In the case of any individual who has been or may be called to
11 testify or provide other information at any proceeding before or ancillary to
12 a court, a grand jury, or a prosecuting attorney, the circuit court for the
13 judicial district in which the proceeding is or may be held shall issue, in
14 accordance with subsection (b) of this section and upon the request of the
15 prosecuting attorney for the district, an order requiring the individual to
16 give testimony or provide other information which he refuses to give or
17 provide on the basis of his privilege against self-incrimination, such order
18 to become effective as provided in this subchapter."

19

20 SECTION 63. Section 16-114-204 having been held unconstitutional by the
21 Arkansas Supreme Court in Weidrick v. Arnold, 310 Ark. 138 (1992), and Thomas
22 v. Cornell, 316 Ark. 366 (1994), § 16-114-204 is repealed.

23

24 SECTION 64. Section 17-21-302(a) is amended to read as follows for the
25 purpose of better organization of the subsection:

26 "(a) The board shall have the authority to issue a license to an
27 applicant for a license to do business as a collection agency providing the
28 applicant meets the following qualifications:

29 (1) The applicant is at least twenty-one (21) years of age;

30 (2) If a partnership, the names of the partners, their ages, sex, and
31 their business address are provided, and the members of the partnership are at
32 least twenty-one (21) years of age; and

33 (3) The proposed managers of a corporation or the owners of not less
34 than fifty percent (50%) of the stock of the corporation are at least
35 twenty-one (21) years of age."

1

2 SECTION 65. Section 17-27-102(b) is amended to read as follows for the
3 purpose of better organization of the subsection:

4 "(b) Any person who shall practice or offer to practice engineering in
5 this state without being registered in accordance with the provisions of this
6 chapter, or any person, firm, partnership, organization, association,
7 corporation, or other entity using or employing the words 'engineer' or
8 'engineering' or any modification or derivative thereof in its name or form or
9 business activity, except as authorized in this chapter, or any person
10 presenting or attempting to use the certificate of registration or the seal of
11 another, or any person who shall give false or forged evidence of any kind to
12 the board or to any member thereof in obtaining or attempting to obtain a
13 certificate of registration, or any person who shall falsely impersonate any
14 other registrant of like or different name, or any person who shall attempt to
15 use an expired, suspended, revoked, or nonexistent certificate of
16 registration, or who shall practice or offer to practice when not qualified,
17 or any person who falsely claims that he is registered or authorized under
18 this chapter, or any person who shall violate any of the provisions of the
19 chapter, shall be guilty of a Class A misdemeanor for the first offense and a
20 Class D felony for the second or any subsequent offense."

21

22 SECTION 66. Section 17-43-305(a) is amended to read as follows to
23 correct a codification error:

24 "(a) The commission may adopt, and from time to time amend or repeal,
25 rules and regulations governing applications for water well contractor
26 licenses. The commission shall license as a water well contractor any person
27 properly making application therefor on a form prepared and furnished by the
28 commission."

29

30 SECTION 67. Section 19-1-603(3) is amended to delete a reference to the
31 Higher Education Employee Classification and Compensation Act, § 6-63-201 et
32 seq., a repealed law, to read as follows:

33 "(3) 'Fiscal responsibility and management laws' means the following
34 laws and regulations applicable thereto, as amended:

35 (A) General Accounting and Budgetary Procedures Law, § 19-4-101 et

1 seq.;

2 (B) Arkansas purchasing laws, § 19-11-101 et seq.;

3 (C) Attendance and leave laws, § 21-4-101 et seq.;

4 (D) Regular Salary Procedures and Restrictions Act, § 21-5-101 et

5 seq.;

6 (E) Uniform Classification and Compensation Act, § 21-5-201 et seq.;

7 (F) Higher Education Expenditure Restriction Act, § 6-63-301 et

8 seq.;

9 (G) Accounts and Notes Receivable Abatement Act, § 19-2-301 et seq.;

10 (H) Revenue Stabilization Law, § 19-5-101 et seq.;

11 (I) Revenue Classification Law, § 19-6-101 et seq.;

12 (J) Depositories for public funds, § 19-8-101 et seq.;

13 (K) Public works, § 22-9-101 et seq.; and

14 (L) State Fiscal Management Responsibility Act, § 19-1-601 et seq.;"

15

16 SECTION 68. Section 19-4-526 concerning budget classification transfers
17 in maintenance and operation appropriations is repealed as having been
18 impliedly repealed by later legislation now codified in § 19-4-522(c).

19

20 SECTION 69. Section 19-4-604(h) is amended to update a reference to the
21 Arkansas Code section replacing an earlier repealed provision concerning the
22 budgeting process of for state-supported institutions of higher education to
23 read as follows:

24 "(h) The budget execution provisions set forth in this section shall be
25 applicable to all state-supported institutions of higher learning, and except
26 for the annual fiscal program requirements, the provisions of §§ 19-4-601,
27 19-4-602, and 19-4-605 -- 19-4-609 shall not apply to these institutions; they
28 shall be governed by the provisions of this section and by procedures
29 established under authority of § 6-61-209."

30

31 SECTION 70. Section 19-5-303(u) is amended to refer to SAU-Tech to read
32 as follows:

33 "(u) (1) SAU-Tech Fund. There is established on the books of the
34 Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a
35 fund to be known as the SAU-Tech Fund. This fund shall be used for the

1 maintenance, operation, and improvement of SAU-Tech, the Fire Training
2 Academy, and the Environment Control Center of SAU-Tech.

3 (2) The fund shall consist of:

4 (A) Such general revenues as may be provided by law; and

5 (B) Any other funds made available for the support of SAU-Tech and
6 its programs which are required to be deposited into the State Treasury by
7 law."

8
9 SECTION 71. Section 19-5-307(a) is amended to reorganize the subsection
10 as follows:

11 "(a) The Public Health Fund shall be used for the maintenance,
12 operation, and improvement required by the regional health centers and the
13 various divisions of the Department of Health in carrying out the powers,
14 functions, and duties as set out in § 20-7-102 et seq., and all laws
15 amendatory thereto, and § 20-11-201 et seq., or other duties imposed by law
16 upon:

17 (1) The Department of Health;

18 (2) The Director of the Department of Health;

19 (3) The State Board of Health;

20 (4) The Secretary of the State Board of Health, or the State Health
21 Officer, whose office was transferred under the provisions of § 25-9-101 to
22 the Department of Health;

23 (5) The State Cancer Commission, which was transferred to the Department
24 of Health by § 25-9-101; and

25 (6) The Arkansas Tuberculosis Sanatorium, which was transferred to the
26 Department of Health by § 25-9-101."

27

28 SECTION 72. Section 19-5-503 is amended to correct a reference to the
29 Community Punishment Revolving Fund to read as follows:

30 "19-5-503. Work release centers.

31 The Community Punishment Revolving Fund is authorized to borrow from the
32 Budget Stabilization Trust Fund for the establishment of new work release
33 centers for the Department of Correction. These loans shall be repaid by the
34 end of the fiscal year in which the loans are made."

35

1 SECTION 73. Section 19-5-1027(b) is amended to correct an internal
2 reference to read as follows:

3 "(b) This fund shall consist of that portion of money's transferred,
4 not to exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal
5 year, from the Hazardous Substance Remedial Action Trust Fund as set out in §
6 8-7-509, there to be used by the Department of Pollution Control and Ecology
7 *to provide environmental educational materials and training.*"

8
9 SECTION 74 . Sections 19-7-301 and 19-7-302 concerning the State
10 Economic Opportunity Office, which no longer exists, are repealed.

11
12 SECTION 75. Section 19-7-408 concerning funds credited to the Public
13 Institutions Fund, which fund has been discontinued, is repealed.

14
15 SECTION 76. Section 19-11-504(1)(A) is amended to update the language
16 in light of 1993 legislation to read as follows:

17 "(1)(A) 'Workshops' means places, including any places certified,
18 regulated, or licensed by any division or office of the Department of
19 Education within the State of Arkansas where any manufacture or handiwork is
20 carried on and which are operated for the primary purpose of providing
21 evaluation, training, and gainful employment to disabled individuals of
22 Arkansas:

23 (i) As an interim step in the rehabilitation process for those
24 who cannot be readily absorbed in the competitive labor market; or

25 (ii) During such time as employment opportunities for them in the
26 competitive labor market do not exist;"

27
28 SECTION 77. Section 19-11-702 is amended to update language concerning
29 the place of imprisonment to read as follows:

30 "19-11-702. Penalties.

31 Any employee or nonemployee who shall knowingly violate any of the
32 provisions of this subchapter shall be guilty of a felony and upon conviction
33 shall be fined in any sum not to exceed ten thousand dollars (\$10,000) or
34 shall be imprisoned not less than one (1) nor more than five (5) years, or
35 shall be punished by both."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 78. Section 20-15-1104(a) (2) is amended to read as follows to clarify that the designation may be made by the midwife when a baby is delivered by a midwife:

"(a) (2) All Hearing Impairment At-Risk Questionnaires shall be completed by a designee of the hospital or birthing center or by the midwife."

SECTION 79. Section 21-6-412 is amended to read as follows to resolve the conflict between Acts 32 and 751 of 1989 by combining them as follows:

"21-6-412. Commissioners to sell property.

(a) (1) Commissioners appointed to make sales of real property under judicial decrees shall be allowed, as compensation for such services, the following fees:

On sales for \$1.00 to \$500.....	\$10.00
On sales for \$500 to \$2,500.....	\$15.00
On sales for \$2,500 to \$5,000.....	\$20.00
On sales for \$5,000 to \$10,000.....	\$25.00
On sales for \$10,000 to \$20,000.....	\$30.00
On sales for \$20,000 to \$35,000.....	\$35.00
On sales for \$35,000 or more, one-tenth of one percent (0.1%).	

(2) Commissioners appointed to make sales of personal property under judicial decrees shall be allowed, as compensation for such services, the fee prescribed by the judge of the court which issued the decree.

(b) Each commissioner appointed to partition land shall be allowed one dollar and fifty cents (\$1.50) for each day employed in effecting partition of lands, to be paid by the person making the application.

(c) In lieu of the fees provided for in this section, the court may set reasonable fees for commissioners based upon services rendered on sales under thirty-five thousand dollars (\$35,000)."

SECTION 80. Sections 22-5-204 and 22-5-205 concerning the salary of the Commissioner of State Lands and the Commissioner's deputies are repealed as being either obsolete or superseded by other later legislation.

SECTION 81. The Constitutional and Fiscal Agencies Fund having been

1 superseded by the Constitutional Officers Fund and the State Central Services
2 Fund, § 23-61-402(b) is amended to read as follows:

3 "(b) On the last business day of each month, the State Treasury shall
4 credit the net amount of the fees to the Constitutional Officers Fund and the
5 State Central Services Fund to be used for the maintenance, operation, and
6 improvement of the respective agencies and services receiving support from the
7 Constitutional Officers Fund and the State Central Services Fund as authorized
8 by law."

9

10 SECTION 82. Section 24-4-739(b) is amended to read as follows to add
11 "or member" to the second reference to "employee" to be consistent with the
12 first reference:

13 "(b) The employee or member shall make election in writing to the
14 Arkansas Public Employees' Retirement System and the eligible system within
15 sixty (60) calendar days after being notified by the Arkansas Public
16 Employees' Retirement System of the erroneous enrollment. Failure to make an
17 election within sixty (60) calendar days will result in the employee or member
18 being removed from the Arkansas Public Employees' Retirement System."

19

20 SECTION 83. Section 25-16-302 concerning the Lieutenant Governor's
21 administrative assistant's salary and duties is repealed as either obsolete or
22 superseded by other later legislation.

23

24 SECTION 84. Section 26-51-437(c) is amended to read as follows and is
25 renumbered as (b) (8) and rewritten to make the style consistent:

26 "(b) (8) The deduction allowed under § 26-51-418."

27

28 SECTION 85. Section 26-52-405 is amended to read as follows to correct
29 "sales from" to "sales of" and to better reorganize the section:

30 "26-52-405. Products used for livestock, poultry, and agricultural
31 production.

32 The gross receipts or gross proceeds derived from sales of the following
33 are exempt from the Arkansas gross receipts tax levied by the Arkansas Gross
34 Receipts Act, § 26-52-101 et seq.:

35 (1) Agricultural fertilizer;

- 1 (2) Agricultural limestone; and
2 (3) Agricultural chemicals, including, but not limited to:
3 (A) Agricultural pesticides and herbicides used in commercial
4 production of agricultural products;
5 (B) Vaccines, medications, and medicinal preparations used in
6 treating livestock and poultry being grown for commercial purposes; and
7 (C) Chemicals, nutrients, and other ingredients used in the
8 commercial production of yeast."

9

10 SECTION 86. Section 26-52-425 is amended to read as follows to
11 reorganize the section and to change "for use to produce" to "for use in
12 producing" for the purpose of clarification:

13 "26-52-425. Waste fuel for manufacturing.

14 There is specifically exempted from the tax imposed by §§ 26-52-301 and
15 26-52-302 the gross receipts or gross proceeds derived from the sale of waste
16 fuel used in producing, manufacturing, fabricating, assembling, processing,
17 finishing, or packaging of articles of commerce at manufacturing or processing
18 plants or facilities in the State of Arkansas. The terms 'manufacturing' or
19 'processing shall have the same meaning as set out in § 26-52-402(b). The
20 term 'waste fuel' shall mean products or materials which have been derived
21 from tires or from municipal solid waste for use in producing heat or power by
22 burning."

23

24 SECTION 87. Section 26-53-119 is amended to read as follows to correct
25 "sales from" to "sales of":

26 "26-53-119. Exemption for sale of products for treating livestock and
27 poultry and other commercial agricultural production.

28 The gross receipts or gross proceeds derived from sales of the following
29 are exempt from the state compensating tax as levied by this subchapter:

- 30 (1) Agricultural fertilizer;
31 (2) Agricultural limestone; and
32 (3) Agricultural chemicals, including, but not limited to:
33 (A) Agricultural pesticides and herbicides used in commercial
34 production of agricultural products;
35 (B) Vaccines, medications, and medicinal preparations used in

1 treating livestock and poultry being grown for commercial purposes; and
2 (C) Chemicals, nutrients, and other ingredients used in the
3 commercial production of yeast."
4

5 SECTION 88. Section 26-61-112 is amended to read as follows to clarify
6 that spouses and minor children are eligible only after the death of a
7 disabled veteran:

8 "26-61-112. Exemptions from tax.

9 Disabled veterans, surviving spouses of disabled veterans, and surviving
10 minor dependent children of disabled veterans who are eligible for the
11 exemption from the payment of all state taxes on the homestead and personal
12 property owned by them, as provided for in § 26-3-306, shall be exempt from
13 the payment of the tax levied in this chapter if the amount of tax owed is
14 less than five dollars (\$5.00)."
15

16 SECTION 89. Section 26-62-211(g) (2) (A) is amended to read as follows to
17 change the location in the sentence of a misplaced prepositional phrase:

18 "(g) (2) (A) By the payment to the director or to his agent,
19 representative, or employee of the amount of tax which would be due upon a
20 sufficient quantity, as determined above, of alternative fuels to propel the
21 vehicle over the highways of this state."
22

23 SECTION 90. Section 27-1-102(c), concerning the Arkansas Transportation
24 Commission, is repealed to reflect the transfer of that agency to the Arkansas
25 State Highway and Transportation Department.
26

27 SECTION 91. Section 27-15-311 is amended to read as follows to correct
28 an incorrect reference to a federal law:

29 "27-15-311. Reciprocity.

30 Any motor vehicle licensed in another state which exhibits a special
31 license plate or other special authorized vehicle designations issued by
32 licensing authorities of other states for vehicles used in the transportation
33 of people with disabilities shall be accorded the privileges as provided in
34 this subchapter for similar vehicles licensed in this state, as is required
35 under the provisions of Public Law 100-641, and rules issued pursuant thereto

1 by the United States Secretary of Transportation."
2

3 SECTION 92. Section 27-15-1002 is amended to read as follows to correct
4 an incorrect reference:

5 "27-15-1002. Design.

6 (a) The Department of Finance and Administration shall design the
7 prisoner of war license plates with a white background, the word 'Arkansas'
8 shall be printed in blue letters at the top of the plate, 'Ex-Prisoner of War'
9 shall be printed in blue at the bottom of the plate instead of the present
10 legend 'The Natural State', and the 'P.O.W.' prefix and number shall be
11 printed in red in the center of the plate.

12 (b) The special license plates shall be numbered consecutively
13 beginning with the number '1', and the numbers shall be preceded by the
14 letters 'P.O.W.'."
15

16 SECTION 93. Certain language having been inadvertently left out of
17 Article IX of the Driver License Compact upon its original enactment, Article
18 IX of § 27-17-101 is amended to read as follows:

19 "ARTICLE IX

20 Construction and Severability

21 This compact shall be liberally construed so as to effectuate the
22 purposes thereof. The provisions of this compact shall be severable and if any
23 phrase, clause, sentence, or provision of this compact is declared to be
24 contrary to the constitution of any party state or of the United States or the
25 applicability thereof to any government, agency, person, or circumstance is
26 held invalid, the validity of the remainder of this compact and the
27 applicability thereof to any government, agency, person, or circumstance shall
28 not be affected thereby. If this compact shall be held contrary to the
29 constitution of any state party thereto, the compact shall remain in full
30 force and effect as to the remaining states and in full force and effect as to
31 the state affected as to all severable matters."
32

33 SECTION 94. Section 27-35-510(b) is amended to read as follows for the
34 purpose of better organization of the subsection:

35 "(b) Provided, however, that no person moving a permitted manufactured

1 home or house shall ever halt or stop traffic on a public street or highway
2 while maneuvering a manufactured home or house on or off the street or highway
3 for more than three (3) minutes or stop or halt traffic within five hundred
4 feet (500') from the crest of a hill."

5

6 SECTION 95. Section 27-50-504 is amended to read as follows to correct
7 an incorrect reference:

8 "27-50-504. Copy of citation to be recorded.

9 Upon disposition of any case, every court authorized by the laws of this
10 state to hear traffic violations shall remit one (1) copy of each citation and
11 the resulting disposition of it to the Office of Driver Services of the
12 Revenue Division of the Department of Finance and Administration."

13

14 SECTION 96. Section 27-65-128(c) is amended to read as follows to
15 correct an obsolete reference:

16 "(c) They shall make such experiments and tests as they may be able
17 with the equipment of the University of Arkansas and such funds as may be
18 provided."

19

20 SECTION 97. Section 27-66-601 is amended to read as follows to correct
21 obsolete references and for the purpose of better organization of the section:

22 "27-66-601. State convicts working on roads.

23 (a) The State Highway Commission shall employ and work as many of the
24 state convicts on the public roads as may not be otherwise employed by the
25 Department of Correction.

26 (b) State convicts working on roads shall be under the care and custody
27 of wardens or other officers named by the Department of Correction, with the
28 approval of the Governor.

29 (c) The State Highway Commission shall determine the work to be done by
30 such convicts, the time, place, and manner of the work, and the number of
31 convicts to work. The work shall be under the direct supervision of the
32 Arkansas State Highway and Transportation Department. The department shall
33 determine the number of the convicts needed and shall prescribe the rules and
34 regulations under which they shall work.

35 (d) The pay of the wardens or other officers and the cost of

1 maintenance, including clothing, food, and housing for the state convicts
2 while working on roads shall be paid out of the State Highway and
3 Transportation Department Fund.

4 (e) The Department of Correction is to receive no profits for working
5 the convicts on state roads.

6 (f) The pay of the wardens or other officers and the cost of clothing
7 state convicts while on the public roads shall be borne by the state.

8 (g) The cost of feeding and housing such convicts shall be borne by the
9 county or improvement district where they may be worked."

10

11 SECTION 98. Section 27-69-202(a)(1) is amended to read as follows for
12 the purpose of better organization of the subdivision:

13 "(a)(1) The commission shall be composed of ten (10) members appointed
14 by the Governor:

15 (A) One (1) member shall be a resident of Mississippi County;

16 (B) One (1) member shall be a resident of Crittenden County;

17 (C) One (1) member shall be a resident of St. Francis County;

18 (D) One (1) member shall be a resident of Lee County;

19 (E) One (1) member shall be a resident of Phillips County;

20 (F) One (1) member shall be a resident of Monroe County;

21 (G) One (1) member shall be a resident of Arkansas County;

22 (H) One (1) member shall be a resident of Desha County;

23 (I) One (1) member shall be a resident of Drew County; and

24 (J) One (1) member shall be a resident of Chicot County."

25

26 SECTION 99. Article I of § 27-89-202 is amended to read as follows to
27 correct an incorrect reference to Friars Point, Mississippi:

28 "ARTICLE I.

29 There is created an Arkansas-Mississippi Bridge Commission (hereinafter
30 referred to as the commission) which shall be a body corporate and politic and
31 which shall have the following powers and duties:

32 1. To plan, construct, maintain, and operate a bridge and approaches
33 thereto across the Mississippi River at or near Helena, Arkansas, and Friars
34 Point, Mississippi, at a point deemed by the commission as most suitable to
35 the interests of the citizens of the States of Arkansas and Mississippi in

1 accordance with the provisions of an act of the Seventy-Ninth Congress, Second
2 Session, of the United States entitled 'The General Bridge Act of 1946';

3 2. To purchase, maintain and, in its discretion, to operate all or any
4 ferries across the Mississippi River within twenty-five (25) miles of the site
5 selected for the bridge;

6 3. To contract, to sue, and be sued in its own name; to purchase or
7 otherwise acquire, hold, and dispose of real and personal property;

8 4. To acquire by proper condemnation proceedings such real property as
9 may be necessary for the construction and operation of the bridge and the
10 approaches thereto;

11 5. To issue bonds on the security of the revenues derived from the
12 operation of the bridge and ferries for the payment of the cost of the bridge,
13 its approaches, ferry or ferries, and the necessary lands, easements, and
14 appurtenances thereto including interest during construction and all necessary
15 engineering, legal, architectural, traffic surveying, and other necessary
16 expenses. Such bonds shall be the negotiable bonds of the commission, the
17 income of which shall be tax free. The principal and interest of the bonds,
18 and any premiums to be paid for their retirement before maturity, shall be
19 paid solely from the revenues derived from the bridge and ferries;

20 6. To establish and charge tolls for transit over such bridge and
21 ferries in accordance with the provisions of this compact;

22 7. To perform all other necessary and incidental functions."
23

24 SECTION 100. The enactment and adoption of this act shall not repeal,
25 expressly or impliedly, the acts passed at the regular session of the 80th
26 General Assembly. All such acts shall have full effect and, so far as those
27 acts intentionally vary from or conflict with any provision contained in this
28 act, those acts shall have the effect of subsequent acts and as amending or
29 repealing the appropriate parts of the Arkansas Code of 1987.
30

31 SECTION 101. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.
34

35 SECTION 102. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

5

6 SECTION 103. All laws and parts of laws in conflict with this act are
7 hereby repealed.

8

9

10

11

12

13

14

15

16

17

18

/s/Rep. M. Wilson, et al

19

20

APPROVED: 4-14-95

21

22

23

24

25

26

27

28

29

30

31

32

33

34