

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 20 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 76

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE TITLE 19, CHAPTER
10 6, SUBCHAPTERS 2, 3 AND 4, THE REVENUE
11 CLASSIFICATION LAW OF ARKANSAS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO AMEND THE REVENUE
15 CLASSIFICATION LAW OF ARKANSAS.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 19, Chapter 6, Subchapter 2 is amended
22 by adding the following new subsections to reflect current General Revenues
23 Enumerated to read as follows:

24 (52) Until July 1, 2011, monies in excess of one million dollars (\$1,000,000)
25 in the Securities Department Fund from collections of securities agents
26 initial or renewal registration filing fees and securities registration
27 statement filing fees, §23-42-211(a)(4);
28 (53) Human cloning fines, §20-16-1002.
29

30 SECTION 2. Arkansas Code §19-6-301(37)(B) is amended to reflect current
31 Special Revenues Enumerated to read as follows:

32 (B) Motor vehicle registration reinstatement fees, §§ 27-22-104 and ~~27-22-~~
33 ~~108;~~
34

35 SECTION 3. Arkansas Code §19-6-301(91) is amended to reflect current



1 Special Revenues Enumerated to read as follows:

2 (91) That portion of driver's ~~Driver's~~ license special fees for duplicate
3 and identification licenses, as enacted by Act 311 of 1977, and all laws
4 amendatory thereto, §§ 27-16-801, 27-16-805, and 27-16-806 (a) and (b);

5
6 SECTION 4. Arkansas Code §19-6-301(172)(D) is amended to reflect
7 current Special Revenues Enumerated to read as follows:

8 (D) Professional employer organization biennial license fees, ~~§3-92-407~~
9 §23-92-407; and

10
11 SECTION 5. Arkansas Code Title 19, Chapter 6, Subchapter 3 is amended
12 by adding the following new subsections to reflect current Special Revenues
13 Enumerated to read as follows:

14 (206) Thirty percent (30%) of the fees remitted by each electric or natural
15 gas utility for services sold to residential customers, §15-10-703;

16 (207) Seventy percent (70%) of the fees remitted by each electric or natural
17 gas utility for services sold to residential customers, §15-10-703;

18 (208) Two percent (2%) of Choose Life License Plate design use contribution
19 fees, §27-15-3904;

20 (209) Ninety-eight percent (98%) of Choose Life License Plate design use
21 contribution fees, §27-15-3904;

22 (210) Various Health Department Vital Statistic fees, §19-6-485(b);

23 (211) That portion of fines collected in the Investor Education Fund in
24 excess of one hundred fifty thousand dollars (\$150,000) in any one (1) fiscal
25 year, §23-42-213(c)(2);

26 (212) Revenue-generating technology system contract taxes and fees, §19-11-
27 1101(d);

28 (213) The first one hundred and fifty thousand dollars (\$150,000) of fines
29 collected under §§ 23-42-209, 23-42-308 and 23-42-213(b);

30 (214) The transfer of up to thirty one and six-tenths percent (31.6%) of
31 amounts received in the Tobacco Settlement Program Fund, Act 2 of the First
32 Extraordinary Session, 2002, §19-6-486;

33 (215) Arkansas Biological Agent Registry Act civil penalties, §§20-36-104 and
34 19-6-487;

35 (216) Drug Court program user fees, §§16-98-304 and 19-6-489;

36 (217) Additional Marriage License fees, §16-20-407(b)(2);

1 (218) That portion of DWI operator's driver's license reinstatement fees;
 2 §5-65-119(4);

3 (219) That portion of suspended, revoked or cancelled driver's license
 4 reinstatement fees, §§ 27-16-808(b)(2) and 27-16-508(c);

5 (220) That portion of driver's license special fees for duplicate and
 6 identification licenses, as enacted by Act 311 of 1977, and all laws
 7 amendatory thereto, §§ 27-16-801, 27-16-805, and 27-16-806(c);

8 (221) Civil penalties and fines collected under the Arkansas Catfish
 9 Marketing Act of 1975, §§20-61-101, 20-61-203;

10 (222) That portion of penalties collected for failure to pay fees for
 11 registration and licensing of motor vehicles, §27-14-601(e).

12
 13 SECTION 6. Arkansas Code §19-6-301(179) is repealed.

14 ~~(179) Those additional corporate franchise taxes, §26-54-104(b);~~

15
 16 SECTION 7. Arkansas Code §19-6-301(199) is repealed.

17 ~~(199) Electric utilities civil sanctions, §23-19-401(e);~~

18
 19 SECTION 8. Arkansas Code §19-6-404, concerning sources of special
 20 revenues for the Department of Arkansas State Police Fund, is amended to read
 21 as follows:

22 19-6-404. Department of Arkansas State Police Fund.

23 The Department of Arkansas State Police Fund shall consist of those special
 24 revenues as specified in §19-6-301(1), (5), (7), (8), (38), (39), (40), (56),
 25 (94), (128), (150), (168), (175), (184), (185), (186), (190), ~~and~~ (202),
 26 (218), (219), (220) and that portion of subdivision (222), moneys transferred
 27 or deposited from the State Administration of Justice Fund, and those general
 28 revenues as may be provided by law, there to be used for the maintenance,
 29 operation, and improvement of the Department of Arkansas State Police in
 30 carrying out the functions, powers, and duties as set out by §12-8-106 or
 31 other duties imposed by law upon the department.

32
 33 SECTION 9. Arkansas Code §19-6-405, concerning sources of special
 34 revenues for the State Highway and Transportation Department Fund, is amended
 35 to read as follows:

36 19-6-405. State Highway and Transportation Department Fund.

1 The State Highway and Transportation Department Fund shall consist of that
 2 part of the special revenues as specified in § 19-6-301(2), (3), (4), (22),
 3 (81), (105), (106), (107), and (182), known as "highway revenue" as
 4 distributed under the Arkansas Highway Revenue Distribution Law, § 27-70-201
 5 et seq., and § 27-70-103 and § 27-72-301 et seq.; those special revenues
 6 specified in § 19-6-301(10), (152), and (187); fifty percent (50%) of § 19-6-
 7 301(26); and that portion of subdivision (2) as set out in § 27-14-
 8 601(a)(3)(H)(ii)(f); that portion of subdivision (222) as specified in § 19-
 9 6-301, those designated revenues as set out in § 26-56-201(e)(1), which
 10 consist of the additional total of four cents (4¢) distillate special fuel
 11 taxes, to be distributed as provided in the Arkansas Highway Financing Act of
 12 1999, § 27-64-201 et seq.; federal revenue sharing funds as set out in § 19-
 13 5-1005; and any federal funds which may become available, there to be used
 14 for the maintenance, operation, and improvement required by the Arkansas
 15 State Highway and Transportation Department in carrying out the functions,
 16 powers, and duties as set out in Arkansas Constitution, Amendment 42, and §§
 17 27-65-102 - 27-65-107, 27-65-110, 27-65-122, and 27-65-124, and the other
 18 laws of this state prescribing the powers and duties of the department and
 19 the State Highway Commission.

20

21 SECTION 10. Arkansas Code §19-6-406, concerning sources of special
 22 revenues for the Public Service Commission Fund is amended to read as
 23 follows:

24 19-6-406. Public Service Commission Fund.

25 The Public Service Commission Fund shall consist of those special revenues as
 26 specified in § 19-6-301(70), (71), and (98), ~~and (199)~~, there to be used for
 27 the maintenance, operation, and improvement required by the Arkansas Public
 28 Service Commission in carrying out the functions, powers, and duties as set
 29 out in §23-2-101 et seq., or other duties imposed by law upon the commission.

30

31 SECTION 11. Arkansas Code §19-6-408, concerning sources of special
 32 revenues for the Plant Board Fund is amended to read as follows:

33 19-6-408. Plant Board Fund.

34 The Plant Board Fund shall consist of those special revenues as specified in
 35 subdivisions (46), (49), (50), (51), (52), (53), (54), (55), (122), ~~and~~
 36 (169), and (221) of § 19-6-301, thirty-one cents (31¢) of the fertilizer

1 inspection fees set out in subdivision (48) of § 19-6-301, and all of those
 2 special revenues in subdivision (47) of § 19-6-301 with the exception of ten
 3 cents (10¢) of the thirty cents (30¢) for tonnage reports, non-revenue
 4 receipts from the Fire Ant Poison Cost Sharing Program, § 2-16-105, and those
 5 general revenues as may be provided by law, there to be used for the
 6 maintenance, operation, and improvement required by the State Plant Board in
 7 carrying out the functions, powers, and duties as set out in § 2-16-201 et
 8 seq., or other duties imposed by law upon the State Plant Board, and those
 9 functions, powers, and duties as set out in § 4-18-201 et seq.

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 11 SECTION 12. Arkansas Code §19-6-420, concerning sources of special
 12 revenues for the Game Protection Fund, is amended to read as follows:

13 19-6-420. Game Protection Fund.

14 The Game Protection Fund shall consist of those special revenues as specified
 15 in subdivision (63) of §19-6-301 and ~~forty five percent (45%)~~ thirty-four
 16 percent (34%) of those special revenues as specified in subdivision (20) of
 17 §19-6-301, there to be used for the maintenance, operation, and improvement
 18 required by the Arkansas State Game and Fish Commission in carrying out the
 19 functions, powers, and duties as set out in the Arkansas Constitution,
 20 Amendment 35.

21
 22 SECTION 13. Arkansas Code §19-6-475, concerning sources of special
 23 revenues for the Securities Department Fund, is amended to read as follows:

24 19-6-475. Securities Department Fund.

25 The Securities Department Fund shall consist of those special revenues as
 26 specified in subdivisions ~~(173) and (174)~~ (211) of §19-6-301 and until July
 27 1, 2011, the first one million dollars (\$1,000,000) of those special revenues
 28 as specified in subdivisions (173) and (174) of §19-6-301, and such other
 29 funds as may be provided by law or regulatory action, there to be used for
 30 the maintenance, operation, support, and improvement of the State Securities
 31 Department in carrying out its functions, powers, and duties as set out by
 32 law and by rule and regulation not inconsistent with law, as set out in §23-
 33 42-211.

34
 35 SECTION 14. Arkansas Code 19-6-478 is repealed.

36 ~~19-6-478. Voter Registration Signature Imaging System Fund.~~

1 ~~The Voter Registration Signature Imaging System Fund shall consist of those~~
 2 ~~special revenues as specified in subdivision (179) of §19-6-301, there to be~~
 3 ~~used by the Secretary of State to acquire and maintain the necessary~~
 4 ~~equipment and facilities to accommodate the voter registration signature~~
 5 ~~imaging system, as set out in §§7-9-124 and 26-54-104.~~

6
 7 SECTION 15. Arkansas Code §19-6-490(b)(1), concerning sources of
 8 special revenues for the Marine Sanitation Fund, is amended to read as
 9 follows:

10 (b)(1) ~~All monies collected under §27-101-110 shall be deposited into~~
 11 ~~the State Treasury to the credit of the Marine Sanitation Fund as special~~
 12 ~~revenues.~~ The fund shall consist of those special revenues as specified in
 13 subdivision (178) of §19-6-301 and twenty four percent (24%) of those special
 14 revenues as specified in subdivision (20) of §19-6-301.

15
 16 SECTION 16. Arkansas Code §19-6-491(b)(1), concerning sources of
 17 special revenues for the Domestic Peace Fund, is amended to read as follows:

18 (b)(1)(A) The moneys collected under ~~§16-14-110~~ §16-20-407, as
 19 designated under ~~§16-14-110(b)(2)~~ §16-20-407(b)(2), shall be deposited into
 20 the State Treasury to the credit of the fund as special revenue.

21 ~~(B) The moneys designated from §26-52-107(b)(1)(C) shall be deposited into~~
 22 ~~the fund as special revenue.~~

23
 24 SECTION 17. Arkansas Code Title 19, Chapter 6, Subchapter 4 is amended
 25 by adding the following new sections concerning the establishment of special
 26 revenue funds to read as follows:

27 19-6-494. Alternative Fuels Fund.

28
 29 The Alternative Fuels Fund shall consist of those special revenues as
 30 specified in subdivision (206) of §19-6-301, there to be used by the
 31 Alternative Fuels Commission for the operation of the Alternative Fuels
 32 Commission office, grants for alternative fuels research and grants or loans
 33 for alternative fuels projects, as set out in §15-10-701.

34
 35 19-6-495. Arkansas Weatherization Assistance Fund.

1 The Arkansas Weatherization Assistance Fund shall consist of those
2 special revenues as specified in subdivision (207) of §19-6-301, there to be
3 used by the Department of Human Services to supplement the federal
4 Weatherization Assistance Program, as set out in §15-10-702.

5
6 19-6-496. Choose Life Adoption Assistance Program Fund.

7
8 The Choose Life Adoption Assistance Program Fund shall consist of those
9 special revenues as specified in subdivision (209) of §19-6-301, there to be
10 used by the Arkansas Department of Health, for distribution to qualified
11 nonprofit organizations that provide services to the community including
12 counseling and meeting the physical needs of pregnant women who are committed
13 to placing their children for adoption, as set out in §27-15-3904.

14
15 19-6-497. Shared Benefit Payment Fund.

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17 The Shared Benefit Payment Fund shall consist of those special revenues
18 as specified in subdivision (212) of §19-6-301, and any other revenues as may
19 be authorized by law, there to be used by the state agencies to pay vendors
20 for contracts entered into, as set out in §19-11-1101.

21
22 19-6-498. Investor Education Fund.

23
24 The Investor Education Fund shall consist of those special revenues as
25 specified in subdivision (213) of §19-6-301 and an initial transfer of one
26 hundred thousand dollars (\$100,000) from the Securities Department Fund,
27 there to be used to inform and educate the public regarding investments in
28 securities, and to pay for costs and expenses associated with conducting a
29 stock market game for educational purposes in the state's public school
30 system, as set out in §23-42-213.

31
32 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that various laws have been enacted
34 since the passage of the Revenue Classification Law which have changed or
35 created various revenues collected by the State, and that this amendment to
36 the Revenue Classification Law is necessary in order to reflect the various

1 taxes, licenses, fees and other revenues levied and collected for the support
2 of and use by State Government as they currently exist and from which
3 appropriations which become effective July 1, 2005 have been made by the
4 Eighty-Fifth General Assembly. Therefore, an emergency is declared to exist
5 and this act being immediately necessary for the preservation of the public
6 peace, health, and safety shall become effective on July 1, 2005.

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10 APPROVED: 1/25/2005
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