

# Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

## Amendment Form

\*\*\*\*\*

### Subtitle of House Bill No. 1739

"TO FUND PUBLIC HEALTH PROGRAMS AND SERVICES FOR THE UNDERSERVED BY  
IMPOSING ADDITIONAL CIGARETTE AND TOBACCO TAXES AND TO INCREASE  
GENERAL REVENUES."

\*\*\*\*\*

### Amendment No. 2 to House Bill No. 1739.

Amend House Bill No. 1739 as engrossed, H3/7/07 (version: 03-07-2007 09:20):

Add Representatives Abernathy, Allen, Blount, Cash, Cheatham, Cornwell,  
Davis, Dickinson, S. Dobbins, Hardwick, House, W. Lewellen, Lowery, Maxwell,  
Moore, Pickett, Powers, S. Prater, Ragland, Rainey, J. Roebuck, L. Smith,  
Stewart, Wood as cosponsors.

AND

Add Senators Altes, Crumbly, G. Jeffress, Madison as cosponsors.

AND

Page 1, line 24, delete "SECTION 1." and substitute "SECTION 1. Beginning on  
July 1, 2007,"

AND

Page 3, delete line 15 and substitute:

"The moneys collected pursuant to §§ 26-57-1401 and 26-57-1402 for each  
fiscal year shall be"

AND

Page 3, delete line 21 through 36 and substitute:

"(A) The first fifteen million dollars (\$15,000,000) shall  
be distributed to the Community Health Centers of Arkansas;

(B) The next twenty-one million one hundred nine thousand,  
seven hundred seventy-three dollars (\$21,109,773), or any portion thereof,  
shall be distributed as follows:



(i) Twenty-three and sixty-seven hundredths percent (23.67%) to the Department of Education to be used exclusively for the school nurses program;

(ii) Twenty-two and forty-nine hundredths percent (22.49%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Breast Cancer Control Program;

(iii) Fourteen and twenty hundredths percent (14.20%) to the Department of Education to be used exclusively for the coordinated school health program;

(iv) Thirteen and twenty-six hundredths percent (13.26%) to the Arkansas Minority Health Commission;

(v) Eleven and eighty-four hundredths percent (11.84%) to the Arkansas Association of Charitable Clinics;

(vi) Seven and one-tenth percent (7.1%) to the Arkansas Tobacco Control Board;

(vii) Six and forty-five hundredths percent (6.45%) to the Prostate Cancer Foundation; and

(viii) Ninety-nine hundredths percent (0.99%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Arkansas Central Cancer Registry; and

(C) Any moneys to be distributed under section (2)(A) of this section in excess of thirty-six million, one hundred nine thousand, seven hundred seventy-three dollars (\$36,109,773) shall be distributed as follows:

(i) Forty-one and fifty-four hundredths percent (41.54%) to the Community Health Centers of Arkansas;

(ii) Thirteen and eighty-four hundredths percent (13.84%) to the Department of Education to be used exclusively for the school nurses program;

(iii) Thirteen and fifteen hundredths percent (13.15%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Breast Cancer Control Program;

(iv) Eight and three-tenths percent (8.3%) to the Department of Education to be used exclusively for the coordinated school health program;

(v) Seven and seventy-five hundredths percent (7.75%) to the Arkansas Minority Health Commission;

(vi) Six and ninety-two hundredths percent (6.92%) to the Arkansas Association of Charitable Clinics;

(vii) Four and fifteen hundredths percent (4.15%) to the Arkansas Tobacco Control Board;

(viii) Three and seventy-seven hundredths percent (3.77%) to the Prostate Cancer Foundation; and

(ix) Fifty-eight hundredths percent (0.58%) to the Division of Health of the Department of Health and Human Services to be used exclusively for the Arkansas Central Cancer Registry."

AND

Page 4, delete lines 1 through 7 and substitute:

"SECTION 2. Arkansas Code § 26-57-236, as amended by Acts 1997, No.

1337, is amended to read as follows:

26-57-236. Stamp deputies. [As amended by Acts 1997, No. 1337.]

(a) The Director of the Department of Finance and Administration shall furnish stamps to licensed wholesalers directly or through stamp deputies.

(b) The Director of the Department of Finance and Administration may appoint and commission stamp deputies, who shall be the owners or officers of wholesalers, to handle the stamps and collect the tax on tobacco products before sales of tobacco products are made to the retailers.

(c) Stamp deputies are, within the scope of their authority, agents of the Director of the Department of Finance and Administration and shall be accountable as such for any wrongful acts.

(d) Each stamp deputy shall furnish a bond in an amount and in the form as prescribed by the Director of the Department of Finance and Administration.

(e) Stamp deputies shall keep records of all stamp sales and tax collections and shall make the reports prescribed by the Director of the Department of Finance and Administration.

(f) A commission shall be paid by the Director of the Department of Finance and Administration to stamp deputies for the sale of stamps for cigarettes and the collection of cigarette taxes. The commission paid shall not be less than three and eight-tenths percent (3.8%) of the total aggregate cigarette tax collected under §§ 26-57-208, 26-57-802, 26-57-803, 26-57-804, 26-57-1101, and 26-57-1401.

(g) All deposits held by any bank for a stamp deputy which represent the sales of stamps are trust funds and shall be held as a special deposit. In the event of the failure or insolvency of the bank, the deposits shall be classed and considered as preferred claims due the State of Arkansas.

SECTION 3. Arkansas Code § 26-57-236, as amended by Acts 1997, No. 434, is repealed.

~~26-57-236. Stamp deputies. [As amended by Acts 1997, No. 434.]~~

~~(a) The Director of the Department of Finance and Administration shall furnish stamps to licensed wholesalers directly or through stamp deputies.~~

~~(b) The director may appoint and commission stamp deputies, who shall be the owners or officers of wholesalers, to handle the stamps and collect the tax on cigarettes before sales of cigarettes are made to the retailers.~~

~~(c) Stamp deputies are, within the scope of their authority, agents of the director and shall be accountable as such for any wrongful acts.~~

~~(d) Each stamp deputy shall furnish a bond in an amount and in the form as prescribed by the director.~~

~~(e) A stamp deputy's open account shall not exceed seventy five percent (75%) of the total amount of the bond provided by the stamp deputy.~~

~~(f) Stamp deputies shall keep records of all stamp sales and tax collections and shall make the reports prescribed by the director.~~

~~(g)(1) A commission shall be paid by the director to stamp deputies for the sales and collection of cigarette tax stamps and for affixing the tax stamps to each package of cigarettes.~~

~~(2) The commission shall not be less than three and eight tenths percent (3.8%) of the total aggregate cigarette tax collected.~~

~~(h)(1) All deposits held by any bank for a stamp deputy which represent the sales of stamps are trust funds and shall be held as a special deposit.~~

~~(2) In the event of the failure or insolvency of the bank, the deposits shall be classed and considered as preferred claims due the State of Arkansas.~~"

AND

Page 4, delete lines 9 through 12 and substitute:

"SECTION 4. NOT TO BE CODIFIED. Aggregate purchases of cigarette stamps pursuant to § 26-57-236, by any wholesaler or stamp deputy during March, April, May, and June 2007, shall be limited to one hundred ten percent (110%) of the aggregate amount of each wholesaler's or stamp deputy's cigarette stamp purchases during March, April, May, and June 2006."

AND

Page 4, line 14, delete "SECTION 3." and substitute "SECTION 5."

AND

Page 4, delete lines 21 through 23 and substitute:

"for the next fiscal year and beyond. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

Renumber the sections in the bill in consecutive order

The Amendment was read \_\_\_\_\_  
By: Representative Shelby  
JSE/DWQ - 03-12-2007 14:07  
JSE397 \_\_\_\_\_  
Chief Clerk