

State of Arkansas

77th General Assembly

A Bill

HOUSE BILL

Third Extraordinary Session, 1989

CALL ITEM

1085

By: Representatives George, Lipton, and Newman

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 5 OF THE ARKANSAS CODE OF 1987 ANNOTATED TO ADD A NEW CHAPTER 41 TO DEFINE THE CRIMINAL OFFENSE OF "EAVESDROPPING"; TO AMEND CHAPTER 82 OF TITLE 16 OF THE ARKANSAS CODE OF 1987, ANNOTATED TO ADD A NEW SUBCHAPTER 4 TO AUTHORIZE THE INTERCEPTION OF WIRE, ORAL AND ELECTRONIC COMMUNICATIONS IN CRIMINAL ACTIVITIES INVOLVING ILLEGAL DRUGS; AND FOR OTHER PURPOSES."

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

SECTION 1. Title 5 of the Arkansas Code of 1987 Annotated is hereby amended to add a new Chapter 41 to read as follows:

"CHAPTER 41 - EAVESDROPPING

5-41-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) 'Wire Communication' means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce and such term includes any electronic storage of such communication, but such term does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

(2) 'Oral Communication' means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

(3) 'Intercept' means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device;

(4) 'Electronic, Mechanical or Other Device' means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than:

(A) any telephone or telegraph instrument, equipment or facility, or any component thereof,

(i) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or

(ii) being used by a provider of wire or electronic communication service in the ordinary course of its business, or by a law enforcement officer in the ordinary course of his duties;

(B) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(5) 'Law Enforcement Officer' means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

(6) 'Contents' means, with respect to any wire, oral, or electronic communication, any information concerning the substance, purport, or meaning of that communication;

(7) 'Communication Common Carrier' means any person engaged as a common carrier for hire in the transmission of communications by wire or radio, not including radio broadcasting;

(8) 'Electronic Communication' means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system but does not include:

(A) the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

(B) any wire or oral communication;

(C) any communication made through a tone-only paging device;

(9) 'User' means any person or entity who:

(A) uses an electronic communication service; and

(B) is duly authorized by the provider of such service to engage in such use;

(10) 'Electronic Communications System' means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;

(11) 'Electronic Communication Service' means any service which provides to users thereof the ability to send or receive wire or electronic communications;

(12) 'Electronic Storage' means:

(A) any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(B) any storage of such communication by an electronic communication service for purposes of backup protection of such communication; and

(13) 'Aural Transfer' means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

5-41-102. Eavesdropping.

(a) A person commits the offense of eavesdropping when he:

(1) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(2) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:

(A) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communications; or

(B) such device transmits communications by radio, or interferes with the transmission of such communications; or

(3) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or

having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(4) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection.

(b) Eavesdropping is a Class B felony.

5-41-103. Exceptions.

It is not an offense under this chapter for:

(1) a person to intercept a wire, oral or electronic communication, where all parties to the communication have given the prior consent to the interception;

(2) any law enforcement officer or any person acting at the direction or request of any law enforcement officer to intercept a wire, oral or electronic communication where:

(A) the officer or person is a party to the communication; or

(B) one of the parties to the communication has given prior consent to the interception; or

(C) the interception is made through the use of a body-microphone.

(3) police, fire and emergency communications systems to intercept wire communications coming into and going out of the communications system of a police department, fire department, or emergency center, if:

(A) the telephone, instrument, equipment or facility is limited to the exclusive use of the communication system for administrative purposes and the communication system employs a periodic warning that indicated to the parties to the communication that the call is being intercepted; and

(B) at least one telephone, instrument, equipment, or facility is made available for public use at each police department, fire department or emergency center that is not subject to interception;

(4) an operator of a switchboard, or an officer, agent or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, use or divulge the communication in the usual course of his employment while engaged in any activity that is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of the communication, but no communication

common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

(5) any law enforcement officer, an officer, agent, or employee of, a communication common carrier, or a person acting under contract with the United States, the State, or a political subdivision of it, or of another state, or a political subdivision of it, in the proper performance of his official duties, or in the usual course of its business.

5-41-104. Authorized use of wire, oral or electronic communications.

(a) Any law enforcement officer who, by any means authorized by law, has obtained knowledge of the contents of any wire, oral or electronic communication, or evidence derived from it, may disclose or use the contents or evidence in the proper performance of his official duties.

(b) Any person who has obtained knowledge of the contents of any wire, oral or electronic communication, or evidence derived from it, may disclose the contents or evidence to an law enforcement officer or while giving testimony otherwise admissible under oath or affirmation in any proceeding in any court of the State or of another state or of the United States or before any state or Federal grand jury.

(c) The contents of any intercepted wire, oral or electronic communication, may otherwise be disclosed or used only upon a showing of good cause before any circuit court judge."

SECTION 2. Chapter 82 of Title 16 of the Arkansas Code of 1987 Annotated is hereby amended to add a new Subchapter 4 to read as follows:

"SUBCHAPTER 4 - ELECTRONIC SURVEILLANCE.

16-82-401. Purpose.

It is found and determined that organized criminals make extensive use of private communications in their various illegal drug or drug related activities; the interception of private communications under judicial supervision to obtain evidence of the commission of such crimes or to prevent their commission is an indispensable aid to the administration of justice in a free society; the interception of private communications under judicial supervision is most effective, and the privacy of innocent persons best safeguard, when the attorney authorized to apply for the court order is highly motivated, well-trained, and experienced and maintains a close working relationship with investigative officers who are highly motivated,

well-trained, and experienced; it is the purpose of this chapter to provide for the confidentiality of private communication and to authorize under judicial supervision the interception of private communication by law enforcement in the administration of justice.

16-82-402. Authorization to intercept communications.

The Attorney General or a prosecuting attorney may authorize, in writing, an ex parte application to any circuit court judge for an order authorizing the interception of a wire, oral or electronic communication when the interception may provide evidence of, or may assist in the prevention of, or in the apprehension of a person who has committed any offense involving the unlawful manufacture, distribution, delivery or possession of a controlled substance.

16-82-403. Application for Authorization.

(a) Each application for an order of authorization to intercept a private wire, oral, electronic communication shall be made in writing upon oath or affirmation and shall include:

- (1) the authority of the applicant to make the application;
- (2) the identity and qualifications of the law enforcement officer for whom the authority to intercept a private wire, oral, or electronic communication is sought;
- (3) the facts relied upon by the applicant, including:
 - (A) the identity of the particular person, if known, committing the offense and whose communication is to be intercepted;
 - (B) the details as to the particular offense that has been, is being, or is about to be committed;
 - (C) the particular type of communication to be intercepted;
 - (D) a showing that there is probable cause to believe that the communication will be communicated on the particular wire communication facility involved or at the particular place where the wire, oral, or electronic communication is to be intercepted;
 - (E) the character and location of the particular wire communication facilities involved or the particular place where the oral, wire, or electronic communication is to be intercepted;
 - (F) the objective of the investigation;
 - (G) a statement of the period of time for which the interception is required to be maintained, and, if the objective of the

investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular statement of facts establishing probable cause to believe that additional communications of the same type will continue to occur;

(H) a particular statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or are too dangerous to employ;

(4) where the application is for an extension of an order, a statement of facts showing the results obtained from the interception, or a reasonable explanation of the failure to obtain results;

(5) a statement of the facts concerning all previous applications, known to the applicant, made to any court for authorization to intercept a private wire, oral, or electronic communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be intercepted, and the action taken by the court on each application;

(6) a proposed order of authorization for consideration by the judge; and

(7) such additional statements of facts in support of the application as the applicant may rely on or as the judge may require.

(b) As part of the consideration of that part of an application for which there is no corroborative evidence offered, the judge may inquire in camera as to the identity of any informant or any other additional information concerning the basis upon which the law enforcement officer has applied for the order of authorization that the judge finds relevant in order to determine if there is probable cause under this section.

16-82-404. Ex parte orders.

Upon consideration of an application, the circuit court judge may enter an ex parte order, as requested or as modified, authorizing the interception of a private wire, oral, or electronic communication, anywhere in the State, if the judge determines on the basis of the application submitted by the applicant, that:

(1) there is probable cause for belief that the person whose communication is to be intercepted is committing, has or had committed or is

about to commit an offense classified under §16-82-402;

(2) there is probable cause for believe that a particular communication concerning the offense may be obtained through the interception;

(3) there is probable cause for belief that the facilities from which, or the place where, the private wire, oral, or electronic communication is to be intercepted, is, has been, or is about to be used in connection with the commission of the offense, or is leased to, listed in the name of, or commonly used by, the person;

(4) normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

(5) in the case of an application, other than for an extension, for an order to intercept a communication of a person or on a wire communication facility that was the subject of a previous order authorizing interception, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether the evidence was derived from prior interceptions or from other sources; and

(6) the law enforcement officers to be authorized to supervise the interception of the private wire, oral, or electronic communication are qualified by training and experience to execute the interception sought, as certified under this subchapter.

16-82-405. Content of the order - Limitations of the order.

(a) Each order authorizing the interception of a private wire, oral, or electronic communication shall state:

(1) the judge is authorized to issue the order;

(2) the identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

(3) the character and location of the particular wire, oral, or electronic communication facilities as to which, or the particular place of the communications as to which, authority to intercept is granted;

(4) a particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

(5) the identity of the law enforcement officers to whom the authority to intercept a private wire, oral, or electronic communication is given and the identity of the person who authorized the application; and

(6) the period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(b) No order entered under this subchapter shall authorize the interception of private wire, oral, or electronic communications for a period of time in excess of that necessary to achieve the objective of the authorization. Every order entered shall require that the interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize the interception of communications not otherwise subject to interception. No order, other than for an extension, entered may authorize the interception of private wire, oral, or electronic communications for any period exceeding twenty (20) days. Extensions of an order may be granted for periods of not more than thirty (30) days.

(c) Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. The reports shall be made at such intervals as the judge may require.

(d) An order authorizing the interception of a private wire, oral, or electronic communication shall, upon request of the applicant, direct that a communication common carrier, landlord, owner, building operator, custodian, or other person shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that the carrier, owner, building operator, landlord, custodian, or person is affording the person whose communication is to be intercepted. The obligation of a communication common carrier under the order may include conducting an in-progress trace during an interception. Any communication common carrier, landlord, owner, building operator, custodian, or person furnishing the facilities or technical assistance shall be compensated by the applicant at the prevailing rates.

(e) A communications common carrier, landlord, owner, building operator, custodian, or other person who has been provided with an order issued under this section shall not disclose the existence of the order of interception, or of a device used to accomplish the interception unless:

(1) he is required to do so by legal process; and

(2) he has given prior notification to the Attorney General or prosecuting attorney, who has authorized the application for the order.

(f) An order authorizing the interception of a private wire, oral, or electronic communication shall, upon the request of the applicant, authorize the entry of place or facilities by investigative or law enforcement officers as often as necessary for the purposes of installing, maintaining or removing an intercepting device where the entry is reasonably necessary to conduct or complete the interception. The judge who issues the order shall be notified of the fact of each entry prior to entry, if practicable, and, in any case, within forty-eight (48) hours of entry.

(g) Notwithstanding any provision of law to the contrary, any judge to which any application is made under this subchapter may take any evidence, make any finding, or issue any order to conform the proceedings or the issuance of any order to the Constitution and laws of the United States and Arkansas.

16-82-406. Oral approval of order in emergency.

(a) Whenever, upon informal application by the Attorney General or a prosecuting attorney, a judge determines that:

(1) there may be grounds upon which an order could be issued under this subchapter;

(2) there is probable cause to believe that an emergency situation exists with respect to the prevention or investigation of any felony offense; and

(3) there is probable cause to believe that a substantial danger to life or limb exists justifying the authorization for immediate interception of a private wire, oral, or electronic communication before an application for an order could with due diligence be submitted to him and acted upon; he may grant oral approval for an interception, without an order, conditioned upon the filing with him, within forty-eight (48) hours, of an application for an order under §16-82-402 which, if granted consistent with §16-82-403 and §16-82-404 of this subchapter, shall also recite the oral approval under this section and be retroactive to the time of the oral approval.

(b) Interception under oral approval under this section shall immediately terminate when the communication sought is obtained or when the application for an order is denied, whichever is earlier.

(c) In the event no application for an order is made under this section, the content of any private wire, oral, or electronic communication intercepted under oral approval under this section shall be treated as having been obtained in violation of this subchapter.

(d) In the event no application for an order is made under this section or an application made under this section is denied, the judge shall require the tape or other recording of the intercepted communication to be delivered to, and sealed by, the judge. The evidence shall be retained by the court, and it shall not be used or disclosed in any legal proceeding, except a civil action brought by an aggrieved person under §16-82-409 or as otherwise authorized by the order of any circuit court judge. In addition to other remedies or penalties provided by law, failure to deliver any tape or other recording to the judge shall be punishable as contempt by the judge directing the delivery.

16-82-407. Required records and disposition of recordings.

(a) Any private wire, oral, or electronic communication intercepted in accordance with this subchapter shall, if practicable, be recorded by tape or other comparable method. The recording shall, if practicable, be done in such a way as will protect it from editing or other alteration. During an interception, the interception shall be supervised by a law enforcement officer certified under §16-82-411 of this subchapter, and, if practicable, he shall keep a signed, written record, including:

- (1) the date and hours of surveillance;
- (2) the time and duration of each intercepted communication;
- (3) the parties, if known, to each intercepted conversation; and
- (4) a summary of the contents of each intercepted communication.

(b) Immediately upon the expiration of the order or its extensions, the tapes and other recordings shall be transferred to the judge issuing the order and sealed under his direction. Custody of the tapes, or other recordings, shall be maintained wherever the judge directs. They shall not be destroyed except upon an order of the court and in any event shall be kept for ten years. Duplicate tapes or other recordings may be made only by order of the court.

16-82-408. Applications and orders sealed.

(a) Applications made and orders granted under this subchapter for the interception of private wire, oral, or electronic communications shall be

sealed by the judge issuing or denying them and held in custody as the judge shall direct. The applications and orders shall be kept for a period of ten years. Destruction of the applications and orders after that period of time may be made only upon the order of the court. Disclosure of the applications and orders may be ordered by the court on a showing of good cause.

(b) A law enforcement officer may retain a copy of applications and orders for the interception of private wire, oral, or electronic communications. The applications and orders shall be kept for a period of ten years. Destruction of the applications and orders after that period of time may be made only upon an order of the court. Disclosure and use of the applications and orders may be made by a law enforcement officer only in the proper performance of his official duties.

(c) Any violation of this section shall be punishable as contempt of court.

16-82-409. Unauthorized interception of communications.

(a) If a law enforcement officer, while intercepting a private wire, oral, or electronic communication, in accordance with the provision of this subchapter, intercepts a private wire, oral, or electronic communication that relates to an offense other than an offense specified in the order of authorization, but does not also relate to an offense specified in the order of authorization, the Attorney General or a prosecuting attorney, may, in order to permit the disclosure or use of its contents, or evidence derived from it, during testimony in an official proceeding, make a motion for an order approving the interception. A circuit court judge shall enter an order approving the interception if he finds that the communication was otherwise intercepted in accordance with the provisions of this subchapter.

(b) An intercepted private wire, oral, or electronic communication, or evidence derived from it, may not be received in evidence or otherwise disclosed in an official proceeding unless each aggrieved person who is a party in the official proceeding, including any legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath or other person taking testimony or depositions in any such proceeding, other than a grand jury, has, not less than ten days before the official proceeding, been furnished with a copy of the court order, and the accompanying application, under which the interception was authorized or approved. The ten day period may be waived by the presiding official if he

finds that it was not practicable to furnish the person with the information ten days before the proceeding, and that the person will not be prejudiced by delay in receiving the information.

(c) An aggrieved person in an official proceeding may make a motion under this section to suppress the contents of an intercepted private wire, oral, or electronic communication, or evidence derived from it, on the ground that:

- (1) the communication was unlawfully intercepted;
- (2) the order of authorization or approval under which it was intercepted is insufficient on its face; or
- (3) the interception was not made in conformity with the order of authorization or approval.

(d) If a motion under this section duly alleges that the evidence sought to be suppressed in an official proceeding, including a grand jury, has been derived from an unlawfully intercepted private wire, oral, or electronic communication, the opponent of the allegation shall, after conducting a thorough search of its files, affirm or deny the occurrence of the alleged unlawful interception, but no motion shall be considered if the alleged unlawful interception took place more than five years before the event to which the evidence relates.

(e) Where a motion is duly made under this section prior to the appearance of a witness before a grand jury, the opponent of the motion may make such applications and orders as it has available to the judge and if he determines that there is no defect in them sufficient on its face to render them invalid, the judge shall inform the witness: 'You have not been the subject of an unlawful interception.' If the judge determines that there is a defect in them sufficient on its face to render them invalid, he shall enter an order prohibiting any question being put to the witness based on the unlawful interception.

(f) Motions under this section shall be made prior to the official proceeding unless there was no opportunity to make the motion or unless the aggrieved person was not aware of the grounds for the motion. Motions by co-indictees shall, on motion of the state, be heard in a single consolidated hearing.

(g) A judge, upon the filing of a motion by an aggrieved person under this section, except before a grand jury, may make available for inspection by

the aggrieved person or his attorney such portions of the intercepted communications, applications and orders or the evidence derived from them as the judge determines to be in the interest of justice.

(h) If a motion under this section is granted, the intercepted private wire, oral, or electronic communication, and evidence derived from it, may not be received in evidence in an official proceeding, including a grand jury.

(i) In addition to any other right of appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted certifies to the court that the appeal is not taken for purposes of delay. The appeal shall otherwise be taken in accordance with the law.

16-82-410. Civil remedies for violations.

(a) Any person whose private wire, oral, or electronic communication is intercepted, disclosed or used in violation of this subchapter may bring a civil action in the circuit court against:

(1) Any person who intercepts, discloses or uses or procures another to intercept, disclose or use, the communication; or

(2) Any landlord, owner, building operator, custodian or other person or any communication common carrier, who aids, abets, or knowingly permits the interception;

(b) He shall be entitled to:

(1) An injunction prohibiting further interception, disclosure, or use of the private wire, oral, or electronic communication;

(2) Actual damages, but not less than liquidated damages computed at the rate of two hundred dollars a day for each day of violation, or five thousand dollars, whichever is higher;

(3) Punitive damages;

(4) A reasonable attorney's fee and other litigation costs reasonably incurred; and

(5) Any other appropriate relief.

(c) (1) Except as provided in this section, to the extent that the State, or a political subdivision of it, or any corporation organized under its laws or any of its officers, agents or employees would be shielded from liability under this section by any doctrine of immunity, the immunity is waived or set aside.

(2) A good faith reliance on a court order or other provision of

law authorizing the interception, disclosure or use of a private wire, oral, or electronic communication shall constitute a complete defense to any civil or criminal action or to administrative proceedings brought against any person, including a law enforcement officer.

16-82-411. Training and certification of law enforcement officers.

(a) The Attorney General shall:

(1) Establish a course of training in the legal, practical, and technical aspects of the interception of private wire, oral, or electronic communications and related investigation and prosecution techniques;

(2) Issue regulations as he finds necessary for the training program; and

(3) Set minimum standards of certification and periodic recertification of law enforcement officers as eligible to apply for orders authorizing the interception of private wire, oral, or electronic communications, to conduct the interceptions, and to use the communications or evidence derived from them in official proceedings.

(b) The Attorney General may charge a reasonable enrollment fee to offset the costs of the training and certification.

16-82-412. Annual reports.

(a) All judges who have issued orders under this subchapter shall make annual reports on the operation of this subchapter to the Administrative Office of the Arkansas Supreme Court. The reports by the judges shall contain the following information:

(1) The number of applications made;

(2) The number of orders issued;

(3) The effective periods of the orders;

(4) The number and duration of any renewals;

(5) The offenses in connection with which the orders were sought;

(6) The names and official identity of the applicants; and

(7) Such other and further particulars as the Administrative Office of the Courts may require.

(b) The Attorney General shall make annual reports on the operation of this subchapter to the Administrative Office of the Arkansas Supreme Court. The reports by the Attorney General shall contain the following information:

(1) The number of applications made;

(2) The number of orders issued;

- (3) The effective periods of such orders;
 - (4) The number and duration of any renewals;
 - (5) The offenses in connection with which the conversations were sought;
 - (6) The names and official identity of the applicants;
 - (7) The number of indictments or other charges resulting from each application;
 - (8) The offenses which each indictment or other charge relates to;
- and
- (9) The disposition of each indictment or other charge.

(c) Each prosecuting attorney shall annually provide to the Attorney General all of the information enumerated in subsection (b) of this section with respect to all applications authorized by that prosecuting attorney on forms prescribed by the Attorney General.

(d) The Chief Justice of the Supreme Court and the Attorney General may annually report to the Governor and the General Assembly on such aspects of the operation of this subchapter as they deem appropriate and make any recommendations they feel desirable as to legislative changes or improvements to effectuate the purposes of Chapter 41 of Title 5 of the Arkansas Code of 1987 Annotated."

SECTION 3. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.