

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

A Bill

HOUSE BILL 1874

4 By: Representatives M. Wilson and Lynn
5
6

For An Act To Be Entitled

8 "AN ACT TO MAKE VARIOUS CORRECTIONS TO THE ARKANSAS CODE
9 OF 1987; AND FOR OTHER PURPOSES."

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.*
28 *State*, 293 Ark. 216, 736 S.W.2d 12 (1987), cert. denied, 485 U.S. 905, 108 S.
29 Ct. 1076, 99 L. Ed. 2d 235 (1988), that § 5-12-103(c) was repealed by the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31 hereby repealed.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
34 correct an obsolete reference to "bastardy":

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

1 determined in a paternity proceeding shall be within the provisions of this
2 chapter and no proof other than the orders of the proper court shall be
3 required to prove parentage."
4

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

7 "(b)(2) A report for endangered adults residing in a long-term care
8 facility shall be made immediately to the local law enforcement agency for
9 the jurisdiction in which the facility is located, and to the Office of
10 Long-Term Care of the Division of Economic and Medical Services of the
11 Department of Human Services pursuant to regulations of that office."
12

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

15 "(c) Criminal mischief in the first degree is a Class C felony if the
16 amount of actual damage is five hundred dollars (\$500) or more. Otherwise, it
17 is a Class A misdemeanor."
18

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

23 "(c) If any licensed attorney shall approach any commissioner for the
24 purpose of having any person placed upon the grand or petit jury, he shall be
25 guilty of a felony and imprisoned in the Department of Correction not less
26 than two (2) years nor more than five (5) years pursuant to subsection (a) of
27 this section, and the Supreme Court shall revoke his license to practice
28 law."
29

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

33 "(c) 'Bureau' means the Drug Enforcement Agency of the United States
34 Department of Justice, or its successor agency;"
35

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

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

11

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

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

28

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

31 "(c) Action to abate - Permanent injunction - Verification of
32 complaint. (1) Whenever there is reason to believe such a common nuisance is
33 kept or maintained, or exists in any county, the prosecuting attorney of the
34 county in the name of the state, or the city attorney of any incorporated
35 city, or any citizen of the state or a resident of the county in his or her

1 own name, may enjoin permanently the person conducting or maintaining the
2 nuisance and the owner, lessee, or agent of the building or place in or upon
3 which the nuisance exists from directly or indirectly maintaining or
4 permitting the nuisance.

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

7

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

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

24

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

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

34

35 SECTION 13. Section 6-11-118(d) is amended to read as follows to

1 change the words "requests to become" to "requests that the school become"
2 for the purpose of clarification:

3 "(d) For the purpose of this section, the term 'rural school' shall be
4 interchangeable with the term 'small high school' and shall include those
5 schools with enrollments of five hundred (500) or less in kindergarten
6 through grade twelve. Schools of enrollments of five hundred (500) to seven
7 hundred fifty (750) shall also be served by this office if they are in
8 unincorporated areas, if a majority of the county board of education
9 approves, and if the superintendent requests that the school become a part of
10 the area for which this office is responsible."
11

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

14 "(f) Except for the state's contribution to the county supervisor's,
15 or similar personnel's, salary, all funds provided herein shall be set aside
16 from the unapportioned county general school fund to a special fund by the
17 county treasurer. Payments from this special fund shall be made only upon
18 presentation of invoice statements, itemized expense accounts, and payrolls
19 upon vouchers signed by the county school supervisor, or similar personnel,
20 and the chairman of the county board and when vouchers properly executed are
21 presented to the county clerk and approved by the county school supervisor,
22 or similar personnel, and the chairman of the county board."
23

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

27 "(b) The State Board of Education is empowered to make such reasonable
28 rules and regulations required for the proper administration of this
29 subchapter which are not inconsistent with the intent of this subchapter."
30

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

33 "(F) Number of offenses;"
34

35 SECTION 17. Section 6-15-1005(a)(1) is amended to read as follows to

1 remove an unnecessary comma:

2 "(a)(1) The task force shall be composed of not more than seventeen
3 (17) persons and shall include teachers and administrators from restructuring
4 schools, subject matter experts, higher education faculty and administrators,
5 and public and business representatives."
6

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

10 "(b) Beginning with the 1994-95 school year, a school district shall
11 attach a seal, stamp, or other symbol to transcripts and diplomas awarded to
12 high school students who have completed either the college preparatory core
13 curriculum or the technical preparation core curriculum with a minimum grade
14 point average of 2.75 on a 4.0-point scale."
15

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

18 "(a) The Director of the General Education Division of the State
19 Department of Education shall develop the materials or units for the teaching
20 of historical contributions made by African-Americans in the United States
21 and in other countries prior to the establishment of the United States for
22 inclusion in the appropriate curricula of all kindergarten through grade
23 twelve (K-12) of all public schools in the State of Arkansas, beginning with
24 the 1994-95 school year."
25

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

28 "(b) The county board, or the board's designee, or the district
29 superintendent of schools and the superintendent's surety shall be liable for
30 any warrants which he countersigns in payment of teachers' salaries unless
31 and until there is a valid teacher's certificate and contract for the teacher
32 on file with the county board or with the board's designee."
33

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

1 term of office":

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

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

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

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

18 "(e)(2) Any school district adopting this program shall include
19 provisions for furnishing valid documentation for students in work-study
20 programs or other authorized absences from school premises to assist law
21 enforcement officers in determining the validity of documentation excusing
22 the student's absence from school during school hours."
23

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

26 "(a)(7)(A) The purpose of the penalty set forth in this section is to
27 impress upon the parents, guardians, or persons in loco parentis the
28 importance of school or adult education attendance, and the penalty is not to
29 be used primarily as a source of revenue."
30

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

33 "(a) Every school district shall establish an alternative learning
34 environment which shall afford students an environment conducive to
35 learning."

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

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

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

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

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

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

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

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

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

1 receiving the inspection report."

2 "(a)(6) The superintendent's report shall indicate what action was
3 taken or will be taken in response to the inspection by the chief executive
4 officer of the fire department."
5

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

9 "(c) Any school official employed in a supervisory capacity over
10 students or other persons on school premises shall, upon receipt of
11 information that guns, drugs, or other contraband are concealed in school-
12 owned property, have the authority to investigate and search any school-owned
13 property for any drugs, guns, or other contraband which may be concealed in
14 the school-owned property, without the necessity of obtaining a search
15 warrant from local authorities. In the event contraband is discovered, it
16 shall be seized and held by the supervisor of the school premises until
17 appropriate action, as described in subsection (d) of this section, is
18 taken."
19

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

23 "(f) The Associate Director of the Special Education Section of the
24 Department of Education shall meet with and act as secretary to the advisory
25 council and, subject to the availability of personnel, facilities, and
26 appropriations, shall furnish meeting facilities and staff services for the
27 advisory council."
28

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

31 "(3) 'Individual education plan' means the evaluation of a child with
32 disabilities' educational needs conducted pursuant to § 6-41-217."
33

34 SECTION 32. Section 6-46-502 is amended to read as follows to clarify
35 that "the department" means the Department of Education, inasmuch as the

1 Department of Higher Education is also mentioned in § 6-46-501:

2 "6-46-502. Operation contracts.

3 The Department of Education shall also be authorized to contract with
4 other agencies and private research centers as it may deem necessary to carry
5 out its responsibilities for the operation of the center."

6

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

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

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

26 "(c)(1)(B) For a student seeking a diploma, a technical certificate,
27 or an associate of applied science degree and who failed to successfully
28 complete the college preparatory core curriculum or the technical preparatory
29 core curriculum, completion of six (6) hours of core academic courses, six
30 (6)
31 hours of technical courses required for the diploma, technical certificate,
32 or associate of applied science degree, and any necessary remedial courses
33 with a cumulative grade point average of 2.0 on a 4.0-point scale."

34

35 SECTION 34. Section 6-61-1005(b)(4) is amended to read as follows to

1 add "tax proceeds and" to be consistent with § 6-61-1004(b)(4):

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

4

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

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

11

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

15 "6-82-102. Annual review of minority scholarship or grant program.

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

22 (b)(1) The State Board of Higher Education shall review annually all
23 minority scholarship or grant programs administered by the State Department
24 of Higher Education to ensure that the programs are in compliance with
25 federal regulations and shall report the board's findings no later than June
26 30 to the Joint Interim Committee on Education.

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

33

34 SECTION 37. Section 6-82-802(13) is amended to read as follows to
35 clarify that the required grade point is to be attained on a four-point scale

1 and not a five-point scale:

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

7

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

11 "(b)(2)(A) The recipient must have achieved a grade point average of
12 2.5 on a 4.0-point scale in the set of core curriculum courses; and"

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

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

31

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

34

35 SECTION 40. Section 7-5-523 concerning assistance to disabled voters

1 is repealed as it expired on January 1, 1995.

2

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

5 "(j)(1) Within thirty (30) days following a general election, a
6 candidate shall turn over any balance of campaign funds over expenses
7 incurred as of the day of the election to either:

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

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

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

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

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

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

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

24

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

29 "(d)(1) Money credited to the account of this state in the
30 Unemployment Compensation Trust Fund by the Secretary of the Treasury of the
31 United States of America pursuant to § 903 of the Social Security Act, as
32 amended, may not be requisitioned from this state's account or used except
33 for the payment of benefits and for the payment of expenses incurred for the
34 administration of this chapter. However, the money may not be used for Job
35 Training Partnership Act (JTPA) programs and activities. The money may be

1 requisitioned pursuant to the provisions of this chapter for the payment of
2 benefits. The money may also be requisitioned and used for the payment of
3 expenses incurred in the administration of this chapter. The money may only
4 be used pursuant to a specific appropriation by the General Assembly and only
5 if the expenses are incurred and the money is requisitioned after the
6 enactment of an appropriation law which:"

7

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

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

21

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

25 "13-7-502. Purpose.

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

35

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

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

7

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

10 "(a)(1)(B) The per diem compensation of justices during any one (1)
11 calendar year shall be not less than ninety-five dollars (\$95.00) per diem
12 for each regular meeting nor exceed five thousand dollars (\$5,000) in the
13 aggregate in counties having a population of less than two hundred thousand
14 (200,000) and shall not exceed seven thousand dollars (\$7,000) in the
15 aggregate in counties having a population of two hundred thousand (200,000)
16 or more."

17

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

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

27

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

32 "15-4-313. Definitions

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

35 (1) 'Advisory council' or 'council' means the Advisory Council to the

1 Division of Minority Business Enterprise created under § 15-4-303;

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

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

6 (4)(A) 'Exempt' and 'nonexempt' mean goods and services classified as
7 either exempt or nonexempt for the purpose of administering §§ 15-4-311 --
8 15-4-319.

9 (B) The classification shall be determined by the Office of State
10 Purchasing and the Division of Minority Business Enterprise and submitted to
11 the advisory council for its review and consideration for the purposes of §§
12 15-4-311 -- 15-4-319;

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

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

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

20 (8) 'State contract' means all types of state agreements, regardless
21 of what they may be called, for the purchase of commodities and services and
22 for the disposal of surplus commodities and services not otherwise exempt."
23

24 "15-4-315(a) The Division of Minority Business Enterprise and the
25 Office of State Purchasing shall serve as the principal coordinators of the
26 initiative to ensure the successful implementation of §§ 15-4-311 --
27 15-4-319."
28

29 "15-4-316. Exempt contracts.

30 The Division of Minority Business Enterprise and the Office of State
31 Purchasing, upon the approval of the council, shall determine the
32 classifications of contracts to be exempted from the goals established by §§
33 15-4-311 -- 15-4-319 whenever there exists an insufficient number of minority
34 businesses to ensure adequate competition."
35

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

5 "(1) 'Regional tourist promotion agency' means a corporation organized
6 pursuant to the provisions of the Arkansas Nonprofit Corporation Act, §
7 4-28-201 et seq., or the Arkansas Nonprofit Corporation Act of 1993, § 4-33-
8 101 et seq., established for the purposes authorized in this subchapter and
9 which is recognized by the State Parks, Recreation, and Travel Commission, or
10 its successor agency, as qualifying under the provisions of this subchapter;"

11 "(4) 'Tourism Division' means the Tourism Division of the Department
12 of Parks and Tourism, or its successor agency."
13

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

17 "15-11-404. Administrative agency.

18 The Tourism Division of the department is designated as the
19 administrative agency of this state to act, under the authority of the
20 commission, in administering the provisions of this subchapter."
21

22 "15-11-405(c) Upon the furnishing of evidence to the commission that
23 the particular regional tourist promotion agency has proceeded in accordance
24 with the terms of the application, the grant allocated to such agency shall
25 be paid to the agency by the Tourism Division."
26

27 "15-11-408(d) In the event sufficient regional or local funds cannot
28 be raised to match the state funds appropriated for the matching fund program
29 by January 1 of each year, those state funds not applied for shall revert to
30 the Tourism Division of the Department of Parks and Tourism's advertising and
31 promotion budget."
32

33 "15-11-409. Investigations and audits.

34 The commission, or the Tourism Division, may, from time to time, make
35 such investigations and audits, and require each participating agency to

1 furnish such evidence or proof, to determine that all funds granted under the
2 provisions of this subchapter are being handled and expended for the purposes
3 as approved by the commission in awarding the grant.

4

5 SECTION 51. Section 15-21-202(a)(3) refers to a member of the Advisory
6 Board to the Division of Land Surveys of the Office of the State Geologist of
7 the Arkansas Geological Commission being appointed by the Arkansas Real
8 Estate Association. As the member is actually appointed by the Arkansas
9 Realtors Association, § 15-21-202(a)(3) is amended to read as follows:

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

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

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

16

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

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

31

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

34 "15-32-207. Quarterly reports and payment of funds.

35 County timber inspectors shall make quarterly reports of their action

1 as such of all moneys collected by them, all suits pending, and other matters
2 that may be of interest to the state to the Auditor of State who shall charge
3 inspectors with all amounts due the state by such inspectors as shown by
4 their reports, in a book kept for that purpose. The inspector shall quarterly
5 on the first Monday of January, April, July, and October of each year pay to
6 the Treasurer of State all moneys he may have in his hands belonging to the
7 state, taking his duplicate receipt for the money, one (1) of which he will
8 file with the Auditor of State, who will credit his account with the money."
9

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

12 "15-32-407. Recording of mortgages and sales of marked logs.

13 All mortgages, liens, bills of sales, or other written instruments in
14 any way affecting the ownership of any marked logs, which shall specify the
15 marks placed upon the logs and when they were cut, shall be recorded in the
16 office of the county timber inspector. No conveyance, lien, mortgage, or
17 transfer shall be valid except as to the parties thereto, until it is
18 recorded, or until it shall be filed with some deputy county timber
19 inspector, who shall immediately forward the instrument to the inspector. The
20 filing and recording of all instruments and papers shall have the same effect
21 as notice as the recording of deeds and mortgages in the office of the
22 recorder of deeds."
23

24 "15-32-410(3) For recording any mortgage, bill of sale, or other
25 written instrument, the same fees allowed by law to recorders of deeds for
26 recording like instruments."
27

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

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

1

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

5

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

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

10

11 SECTION 59. The transfer of dockets and records contemplated by § 16-
12 13-608 having occurred over five (5) years ago, § 16-13-608 is hereby
13 repealed.

14

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

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

22

23 SECTION 61. Sections 16-32-202 and 16-32-203, as amended by Act 592 of
24 1993 to provide for six-person juries in misdemeanor trials, having been
25 found unconstitutional by the Arkansas Supreme Court in Byrd v. State, 317
26 Ark. 609 (1994), §§ 16-32-202 and 16-32-203 are amended to read as follows:

27 "16-32-202. Selection, summons, and composition of trial generally.

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

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

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

33

34 "16-32-203. Selection for misdemeanor trial.

35 The jury, for the trial of all prosecutions for misdemeanors, shall be

1 selected in the following manner:

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

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

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

13 (C) The first twelve (12) names remaining on the original list
14 shall constitute the jury."
15

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

18 "(a) In the case of any individual who has been or may be called to
19 testify or provide other information at any proceeding before or ancillary to
20 a court, a grand jury, or a prosecuting attorney, the circuit court for the
21 judicial district in which the proceeding is or may be held shall issue, in
22 accordance with subsection (b) of this section and upon the request of the
23 prosecuting attorney for the district, an order requiring the individual to
24 give testimony or provide other information which he refuses to give or
25 provide on the basis of his privilege against self-incrimination, such order
26 to become effective as provided in this subchapter."
27

28 SECTION 63. Section 16-114-204 having been held unconstitutional by
29 the Arkansas Supreme Court in Weidrick v. Arnold, 310 Ark. 138 (1992), and
30 Thomas v. Cornell, 316 Ark. 366 (1994), § 16-114-204 is repealed.
31

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

34 "(a) The board shall have the authority to issue a license to an
35 applicant for a license to do business as a collection agency providing the

1 applicant meets the following qualifications:

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

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

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

9

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

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

29

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

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

1 commission."

2

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

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

8 (A) General Accounting and Budgetary Procedures Law, § 19-4-101 et
9 seq.;

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

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

12 (D) Regular Salary Procedures and Restrictions Act, § 21-5-101 et
13 seq.;

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

16 (F) Higher Education Expenditure Restriction Act, § 6-63-301 et
17 seq.;

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

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

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

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

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

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

24

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

28

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

33 "(h) The budget execution provisions set forth in this section shall
34 be applicable to all state-supported institutions of higher learning, and
35 except for the annual fiscal program requirements, the provisions of §§

1 19-4-601, 19-4-602, and 19-4-605 -- 19-4-609 shall not apply to these
2 institutions; they
3 shall be governed by the provisions of this section and by procedures
4 established under authority of § 6-61-209."

5

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

8 "(u)(1) SAU-Tech Fund. There is established on the books of the
9 Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a
10 fund to be known as the SAU-Tech Fund. This fund shall be used for the
11 maintenance, operation, and improvement of SAU-Tech, the Fire Training
12 Academy, and the Environment Control Center of SAU-Tech.

13 (2) The fund shall consist of:

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

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

18

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

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

27 (1) The Department of Health;

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

29 (3) The State Board of Health;

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

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

35 (6) The Arkansas Tuberculosis Sanatorium, which was transferred to the

1 Department of Health by § 25-9-101."

2

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

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

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

10

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

13 "(b) This fund shall consist of that portion of money's transferred,
14 not to exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal
15 year, from the Hazardous Substance Remedial Action Trust Fund as set out in
16 § 8-7-509, there to be used by the Department of Pollution Control and
17 Ecology to provide environmental educational materials and training."

18

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

21

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

24

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

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

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

35 (ii) During such time as employment opportunities for them in

1 the competitive labor market do not exist;"

2

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

5 "19-11-702. Penalties.

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

11

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

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

18

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

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

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

25 On sales for \$1.00 to \$500..... \$10.00

26 On sales for \$500 to \$2,500..... \$15.00

27 On sales for \$2,500 to \$5,000..... \$20.00

28 On sales for \$5,000 to \$10,000..... \$25.00

29 On sales for \$10,000 to \$20,000..... \$30.00

30 On sales for \$20,000 to \$35,000..... \$35.00

31 On sales for \$35,000 or more, one-tenth of one percent (0.1%).

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

35 (b) Each commissioner appointed to partition land shall be allowed one

1 dollar and fifty cents (\$1.50) for each day employed in effecting partition
2 of lands, to be paid by the person making the application.

3 (c) In lieu of the fees provided for in this section, the court may
4 set reasonable fees for commissioners based upon services rendered on sales
5 under thirty-five thousand dollars (\$35,000)."
6

7 SECTION 80. Sections 22-5-204 and 22-5-205 concerning the salary of
8 the Commissioner of State Lands and the Commissioner's deputies are repealed
9 as being either obsolete or superseded by other later legislation.
10

11 SECTION 81. The Constitutional and Fiscal Agencies Fund having been
12 superseded by the Constitutional Officers Fund and the State Central Services
13 Fund, § 23-61-402(b) is amended to read as follows:

14 "(b) On the last business day of each month, the State Treasury shall
15 credit the net amount of the fees to the Constitutional Officers Fund and the
16 State Central Services Fund to be used for the maintenance, operation, and
17 improvement of the respective agencies and services receiving support from
18 the Constitutional Officers Fund and the State Central Services Fund as
19 authorized by law."
20

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

24 "(b) The employee or member shall make election in writing to the
25 Arkansas Public Employees' Retirement System and the eligible system within
26 sixty (60) calendar days after being notified by the Arkansas Public
27 Employees' Retirement System of the erroneous enrollment. Failure to make an
28 election within sixty (60) calendar days will result in the employee or
29 member being removed from the Arkansas Public Employees' Retirement System."
30

31 SECTION 83. Section 25-16-302 concerning the Lieutenant Governor's
32 administrative assistant's salary and duties is repealed as either obsolete
33 or superseded by other later legislation.
34

35 SECTION 84. Section 26-51-437(c) is amended to read as follows and is

1 renumbered as (b)(8) and rewritten to make the style consistent:

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

3

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

6 "26-52-405. Products used for livestock, poultry, and agricultural
7 production.

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

11 (1) Agricultural fertilizer;

12 (2) Agricultural limestone; and

13 (3) Agricultural chemicals, including, but not limited to:

14 (A) Agricultural pesticides and herbicides used in commercial
15 production of agricultural products;

16 (B) Vaccines, medications, and medicinal preparations used in
17 treating livestock and poultry being grown for commercial purposes; and

18 (C) Chemicals, nutrients, and other ingredients used in the
19 commercial production of yeast."

20

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

24 "26-52-425. Waste fuel for manufacturing.

25 There is specifically exempted from the tax imposed by §§ 26-52-301 and
26 26-52-302 the gross receipts or gross proceeds derived from the sale of waste
27 fuel used in producing, manufacturing, fabricating, assembling, processing,
28 finishing, or packaging of articles of commerce at manufacturing or
29 processing plants or facilities in the State of Arkansas. The terms
30 'manufacturing' or 'processing shall have the same meaning as set out in §
31 26-52-402(b). The term 'waste fuel' shall mean products or materials which
32 have been derived from tires or from municipal solid waste for use in
33 producing heat or power by burning."

34

35 SECTION 87. Section 26-53-119 is amended to read as follows to correct

1 "sales from" to "sales of":

2 "26-53-119. Exemption for sale of products for treating livestock and
3 poultry and other commercial agricultural production.

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

7 (1) Agricultural fertilizer;

8 (2) Agricultural limestone; and

9 (3) Agricultural chemicals, including, but not limited to:

10 (A) Agricultural pesticides and herbicides used in commercial
11 production of agricultural products;

12 (B) Vaccines, medications, and medicinal preparations used in
13 treating livestock and poultry being grown for commercial purposes; and

14 (C) Chemicals, nutrients, and other ingredients used in the
15 commercial production of yeast."

16

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

20 "26-61-112. Exemptions from tax.

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

27

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

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

34

35 SECTION 90. Section 27-1-102(c), concerning the Arkansas

1 Transportation Commission, is repealed to reflect the transfer of that agency
2 to the Arkansas State Highway and Transportation Department.

3

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

6 "27-15-311. Reciprocity.

7 Any motor vehicle licensed in another state which exhibits a special
8 license plate or other special authorized vehicle designations issued by
9 licensing authorities of other states for vehicles used in the transportation
10 of people with disabilities shall be accorded the privileges as provided in
11 this subchapter for similar vehicles licensed in this state, as is required
12 under the provisions of Public Law 100-641, and rules issued pursuant thereto
13 by the United States Secretary of Transportation."

14

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

17 "27-15-1002. Design.

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

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

27

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

31 "ARTICLE IX

32 Construction and Severability

33 This compact shall be liberally construed so as to effectuate the
34 purposes thereof. The provisions of this compact shall be severable and if
35 any phrase, clause, sentence, or provision of this compact is declared to be

1 contrary to the constitution of any party state or of the United States or
2 the applicability thereof to any government, agency, person, or circumstance
3 is held invalid, the validity of the remainder of this compact and the
4 applicability thereof to any government, agency, person, or circumstance
5 shall not be affected thereby. If this compact shall be held contrary to the
6 constitution of any state party thereto, the compact shall remain in full
7 force and effect as to the remaining states and in full force and effect as
8 to the state affected as to all severable matters."

9

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

12 "(b) Provided, however, that no person moving a permitted manufactured
13 home or house shall ever halt or stop traffic on a public street or highway
14 while maneuvering a manufactured home or house on or off the street or
15 highway for more than three (3) minutes or stop or halt traffic within five
16 hundred feet (500') from the crest of a hill."

17

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

20 "27-50-504. Copy of citation to be recorded.

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

25

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

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

31

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

35 "27-66-601. State convicts working on roads.

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

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

7 (c) The State Highway Commission shall determine the work to be done
8 by such convicts, the time, place, and manner of the work, and the number of
9 convicts to work. The work shall be under the direct supervision of the
10 Arkansas State Highway and Transportation Department. The department shall
11 determine the number of the convicts needed and shall prescribe the rules and
12 regulations under which they shall work.

13 (d) The pay of the wardens or other officers and the cost of
14 maintenance, including clothing, food, and housing for the state convicts
15 while working on roads shall be paid out of the State Highway and
16 Transportation Department Fund.

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

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

21 (g) The cost of feeding and housing such convicts shall be borne by
22 the county or improvement district where they may be worked."
23

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

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

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

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

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

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

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

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

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

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

1 (I) One (1) member shall be a resident of Drew County; and
2 (J) One (1) member shall be a resident of Chicot County."
3

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

6 "ARTICLE I.

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

10 1. To plan, construct, maintain, and operate a bridge and approaches
11 thereto across the Mississippi River at or near Helena, Arkansas, and Friars
12 Point, Mississippi, at a point deemed by the commission as most suitable to
13 the interests of the citizens of the States of Arkansas and Mississippi in
14 accordance with the provisions of an act of the Seventy-Ninth Congress,
15 Second Session, of the United States entitled 'The General Bridge Act of
16 1946';

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

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

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

25 5. To issue bonds on the security of the revenues derived from the
26 operation of the bridge and ferries for the payment of the cost of the
27 bridge, its approaches, ferry or ferries, and the necessary lands, easements,
28 and appurtenances thereto including interest during construction and all
29 necessary engineering, legal, architectural, traffic surveying, and other
30 necessary expenses. Such bonds shall be the negotiable bonds of the
31 commission, the income of which shall be tax free. The principal and interest
32 of the bonds, and any premiums to be paid for their retirement before
33 maturity, shall be paid solely from the revenues derived from the bridge and
34 ferries;

35 6. To establish and charge tolls for transit over such bridge and

1 ferries in accordance with the provisions of this compact;

2 7. To perform all other necessary and incidental functions."

3

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

10

11 SECTION 101. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

14

15 SECTION 102. If any provision of this act or the application thereof
16 to any person or circumstance is held invalid, such invalidity shall not
17 affect other provisions or applications of the act which can be given effect
18 without the invalid provision or application, and to this end the provisions
19 of this act are declared to be severable.

20

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

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/s/Rep. M. Wilson, et al

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